

PB# 94-21

RAKOWIEKI

57-1-88.2

94-

Kawieki Subdivision
Station Rd. (12 lots) (Yanosh)

Approved

5-6-96

SBL# 57-1-88.2

Planning Board
Town Hall
555 Union Ave.
New Windsor, N.Y. 12550

NO. 94-21

August 8, 1994

RECEIVED FROM Park Road Construction

One Thousand Two Hundred 00/100 DOLLARS

Lots C #5000 ea. & 8 Lots C 75.00 ea. Escrow

Account Total \$ 1,200.00

Amount Paid \$ 1,200.00

Balance Due \$ -0-

Myra Mason, Secy to the P.B.

"THE EFFICIENCY LINE" AN AMPAD PRODUCT

al

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14210
1994

Aug. 8

Received of Park Road Construction Corp. \$ 150.00

One Hundred fifty 00/100 DOLLARS

For Planning Board # 94-21

DISTRIBUTION

FUND	CODE	AMOUNT
<u>Ck # 3276</u>		<u>150.00</u>

By Dorothy H. Hansen

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

15444

April 16 1996

Received of Highview Estates of Orange Co. \$ 265.00

Two Hundred sixty five 00/100 DOLLARS

For P.B. # 94-21

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Ck # 1453</u>		<u>265.00</u>

By Dorothy H. Hansen

DATE April 16, 1996

RECEIPT NUMBER 94-21

al

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14210
19 94

Aug. 8

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One Hundred fifty 00/100 DOLLARS

For Planning Board # 94-21

DISTRIBUTION:

FUND	CODE	AMOUNT
CE # 3276		150.00

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TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

15444

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For P.B. # 94-21

DISTRIBUTION:

FUND	CODE	AMOUNT
CE # 1453		265.00

By Dorothy H. Hansen

Wilson Jones - Carbonless - S1042-4WCL Duplicate - S1044-4WCL Triplicate

Planning Board

Town Hall

555 Union Ave.

New Windsor, N.Y. 12550

MADE IN U.S.A.
© Wilson Jones, 1989DATE April 16, 1996 RECEIPT NUMBER 94-21RECEIVED FROM Highview Estates of Orange County, Inc.Address P.O. Box 286 - Salisbury Mills, N.Y. 12577One Hundred fifty seven 50/100 DOLLARS \$ 157.50FOR Addition to Escrow to cover Outside Professional fees charged to the T. of New Windsor

ACCOUNT	HOW PAID
BEGINNING BALANCE	157.50 CASH
AMOUNT PAID	157.50 CHECK 1455
BALANCE DUE	- 0 - MONEY ORDER

By Theresa Mason, Secy to the P.B.

Wilson Jones - Carbonless - S1042-4WCL Duplicate - S1044-4WCL Triplicate

Planning Board

Town Hall

555 Union Ave.

New Windsor, N.Y. 12550

MADE IN U.S.A.
© Wilson Jones, 1989DATE April 16, 1996 RECEIPT NUMBER 94-21RECEIVED FROM Highview Estates of Orange County, Inc.Address P.O. Box 286 - Salisbury Mills, N.Y. 12577One thousand 00/100 DOLLARS \$ 1,000.00FOR Recreation fee for Rakowicki Sub. - 2 Lots @ 500.00 / lot

ACCOUNT	HOW PAID
BEGINNING BALANCE	1,000.00 CASH
AMOUNT PAID	1,000.00 CHECK # 1454
BALANCE DUE	- 0 - MONEY ORDER

By Theresa Mason, Secy to the P.B.

Map Number

92-96

94-21

Section

57

Block

1

Lot

88.2

City

Town

Village

[
x
]

New Windsor

Title:

Rakowiecki, Frances J and Nowicki,
Louis and Janet, Lark of (3 sheets)

Dated:

Jan. 5, 1995 Revised

Filed

May 8, 1996

Approved by

Edward Hent

on

May 6, 1996

Record Owner

Rakowiecki, Frances J., and Nowicki,
Louis and Janet

JOAN A. MACCHI
Orange County Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/07/96

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 94-21

NAME: RAKOWIEKI, FRANCES J. SUBDIVISION
APPLICANT: PARK ROAD CONSTRUCTION

DATE	MEETING-PURPOSE	ACTION-TAKEN
05/06/96	PLANS STAMPED	APPROVED
01/24/96	P.B. APPEARANCE	APPROVED
12/06/95	WORK SESSION APPEARANCE	TO SEE ANDY KRIEGER
08/02/95	WORK SESSION APPEARANCE	RET. TO W.S.
07/12/95	P.B. APPEARANCE - PUB. HEARING	SEE SHEET IN FILE
05/24/95	P.B. APPEARANCE . NEED NOTE ON PLAN	SCHEDULE PUB HEARING
04/26/95	P.B. APPEARANCE . TO REVISE AND RETURN TO WORKSHOP	NEED HWY APPR
02/22/95	P.B. APPEARANCE . REVISE & RET. TO W.S.	WVED TIME LIMITS - SITE VISIT FOR 3/1/95
01/25/95	P.B. APPEARANCE	LA: RETURN
01/18/95	WORK SESSION APPEARANCE	RET. TO BOARD
08/10/94	P.B. APPEARANCE . ADDRESS ENGINEER'S COMMENTS AND RETURN	TO RETURN
04/06/94	WORK SESSION APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/16/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 94-21

NAME: RAKOWIEKI, FRANCES J. SUBDIVISION
APPLICANT: PARK ROAD CONSTRUCTION

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
08/08/94	REC. CK #3224	PAID		1200.00	
08/10/94	P.B. ATTY. FEE	CHG	35.00		
08/10/94	P.B. MINUTES	CHG	22.50		
01/25/95	P.B. ATTY. FEE	CHG	35.00		
01/25/95	P.B. MINUTES	CHG	27.00		
02/22/95	P.B. ATTY. FEE	CHG	35.00		
02/22/95	P.B. MINUTES	CHG	49.50		
04/26/95	P.B. ATTY. FEE	CHG	35.00		
04/26/95	P.B. MINUTES	CHG	40.50		
05/24/95	P.B. ATTY. FEE	CHG	35.00		
05/24/95	P.B. MINUTES	CHG	31.50		
07/12/95	P.B. ATTY. FEE	CHG	35.00		
07/12/95	P.B. MINUTES	CHG	180.00		
01/24/96	P.B. ATTY. FEE	CHG	35.00		
01/24/96	P.B. MINUTES	CHG	31.50		
02/14/96	P.B. ENGINEER FEE	CHG	730.00		
04/16/96	REC. CK. #1455	PAID		157.50	
	TOTAL:		1357.50	1357.50	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/16/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 94-21

NAME: RAKOWIEKI, FRANCES J. SUBDIVISION

APPLICANT: PARK ROAD CONSTRUCTION

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/14/96	APPROVAL FEES	CHG	265.00		
04/16/96	REC. CK. #1453	PAID		265.00	
		TOTAL:	265.00	265.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/16/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
RECREATION

FOR PROJECT NUMBER: 94-21

NAME: RAKOWIEKI, FRANCES J. SUBDIVISION

APPLICANT: PARK ROAD CONSTRUCTION

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	---AMT-PAID	---BAL-DUE
02/14/96	RECREATION FEE 2 LOTS @ 500	CHG	1000.00		
04/16/96	REC. CK. #1454	PAID		1000.00	
		TOTAL:	1000.00	1000.00	0.00

**MEMO FOR FILE #94-21
SUBDIVISION OF LANDS OF RAKOWIECKI
APPLICANT - PARK ROAD CONSTRUCTION (BIAGINI)**

ON APRIL 22, 1996, THE PLANS FOR ABOVE SUBDIVISION WERE SIGNED BY ED STENT, SECRETARY FOR THE NEW WINDSOR PLANNING BOARD.

PLANS WERE THEN PICKED UP BY DAN YANOSH'S OFFICE.

A FEW DAYS LATER, I RECEIVED A CALL FROM GINGER OF DAN YANOSH'S OFFICE INFORMING ME THAT WHEN SHE TRIED TO FILE THE APPROVED MYLAR IN GOSHEN, SHE WAS TOLD THAT OWNERSHIP OF THE PROPERTY HAD CHANGED DURING THE COURSE OF THE APPLICATION FOR SUBDIVISION APPROVAL AND WAS NOW PARTLY OWNED BY LOUIS & JANET NOWICKI. FOR THIS REASON GOSHEN WOULD NOT ACCEPT THE MYLAR BECAUSE THE ADDITIONAL OWNERS WERE NOT LISTED ON THE PLAN. I THEN TOLD GINGER TO GET IN TOUCH WITH ANDY KRIEGER, P.B. ATTORNEY, AND HE WOULD LET HER KNOW WHAT SHE NEEDED TO DO TO CORRECT THE PROBLEM.

ANDY SPOKE TO GINGER AND THEN HE CALLED ME AND TOLD ME THAT THEY WERE TO CORRECT THE PLANS BY ADDING THE NOWICKI'S AS OWNERS AND TO SUBMIT CORRECTED APPLICATION AND PROXY STATEMENTS.

5/6/96

I RECEIVED BY MAIL THE PROXY STATEMENTS SIGNED BY THE NOWICKI'S. THIS WAS THE LAST PAPER I WAS WAITING FOR TO CORRECT OUR RECORDS. I THEN CALLED ED STENT, AND HE SIGNED THE PLANS.

5/7/96

I PHONED GINGER AT DAN YANOSH'S OFFICE AND TOLD HER THE PLANS WERE READY TO BE PICKED UP AND FILED IN GOSHEN. SHE SAID SHE WOULD TAKE CARE OF IT.

MLM

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/07/96

PAGE: 2

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 94-21

NAME: RAKOWIEKI, FRANCES J. SUBDIVISION
APPLICANT: PARK ROAD CONSTRUCTION

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV2	02/15/95	MUNICIPAL HIGHWAY . LOT #1 IS A WET AREA - NEED DRAINAGE PLANS	02/23/95	DISAPPROVED
REV2	02/15/95	MUNICIPAL WATER	02/21/95	APPROVED
REV2	02/15/95	MUNICIPAL SEWER	04/06/95	SUPERSEDED BY REV3
REV2	02/15/95	MUNICIPAL FIRE	02/22/95	APPROVED
REV2	02/15/95		04/06/95	SUPERSEDED BY REV3
REV2	02/15/95		04/06/95	SUPERSEDED BY REV3
REV1	01/19/95	MUNICIPAL HIGHWAY . WOULD LIKE MORE DETAILS AS TO WHERE DRIVEWAY ENTERS TOWN RD	02/23/95	DISAPPROVED
REV1	01/19/95	MUNICIPAL WATER	01/20/95	APPROVED
REV1	01/19/95	MUNICIPAL SEWER	02/15/95	SUPERSEDED BY REV2
REV1	01/19/95	MUNICIPAL FIRE	01/23/95	APPROVED
REV1	01/19/95		02/15/95	SUPERSEDED BY REV2
REV1	01/19/95		02/15/95	SUPERSEDED BY REV2
ORIG	08/08/94	MUNICIPAL HIGHWAY . MUST SEE MORE DETAILED PLANS BEFORE APPROVAL BY THIS DEPT.	08/29/94	NEED MORE PLANS
ORIG	08/08/94	MUNICIPAL WATER	08/10/94	NO TOWN WATER
ORIG	08/08/94	MUNICIPAL SEWER	01/19/95	SUPERSEDED BY REV1
ORIG	08/08/94	MUNICIPAL FIRE	01/19/95	SUPERSEDED BY REV1
ORIG	08/08/94		01/19/95	SUPERSEDED BY REV1
ORIG	08/08/94		01/19/95	SUPERSEDED BY REV1
REV3	/ /	MUNICIPAL SEWER	05/11/95	SUPERSEDED BY REV4

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/07/96

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 94-21

NAME: RAKOWIEKI, FRANCES J. SUBDIVISION

APPLICANT: PARK ROAD CONSTRUCTION

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV6	01/04/96	MUNICIPAL HIGHWAY	01/17/96	APPROVED
REV6	01/04/96	MUNICIPAL WATER	01/15/96	NO TOWN WATER
REV6	01/04/96	MUNICIPAL SEWER	/ /	
REV6	01/04/96	MUNICIPAL FIRE	01/16/96	APPROVED
REV5	06/14/95	MUNICIPAL HIGHWAY	07/18/95	DISAPPROVED
REV5	06/14/95	MUNICIPAL WATER	06/21/95	APPROVED
REV5	06/14/95	MUNICIPAL SEWER	01/04/96	SUPERSEDED BY REV6
REV5	06/14/95	MUNICIPAL FIRE	06/21/95	APPROVED
REV5	06/14/95		01/04/96	SUPERSEDED BY REV6
REV5	06/14/95		01/04/96	SUPERSEDED BY REV6
REV4	05/11/95	MUNICIPAL HIGHWAY	06/14/95	SUPERSEDED BY REV5
REV4	05/11/95	MUNICIPAL WATER . NO TOWN WATER IN THIS AREA	05/24/95	APPROVED
REV4	05/11/95	MUNICIPAL SEWER	06/14/95	SUPERSEDED BY REV5
REV4	05/11/95	MUNICIPAL FIRE	05/22/95	APPROVED
REV4	05/11/95		06/14/95	SUPERSEDED BY REV5
REV4	05/11/95		06/14/95	SUPERSEDED BY REV5
REV3	04/06/95	MUNICIPAL HIGHWAY	05/11/95	SUPERSEDED BY REV4
REV3	04/06/95	MUNICIPAL WATER	04/20/95	APPROVED
REV3	04/06/95	MUNICIPAL FIRE	04/24/95	APPROVED
REV3	04/06/95		05/11/95	SUPERSEDED BY REV4
REV3	04/06/95		05/11/95	SUPERSEDED BY REV4

SUBDIVISION FEES - TOWN OF NEW WINDSOR

MINOR SUBDIVISION FEES:

APPLICATION FEE.....\$ 50.00

ESCROW:

RESIDENTIAL:

___ LOTS @ 150.00 (FIRST 4 LOTS).....\$
___ LOTS @ 75.00 (ANY OVER 4 LOTS).....\$

COMMERCIAL:

___ LOTS @ 400.00 (FIRST 4 LOTS).....\$
___ LOTS @ 200.00 (ANY OVER 4 LOTS).....\$

TOTAL ESCROW DUE....\$

APPROVAL FEES MINOR SUBDIVISION:

PRE-PRELIMINARY PLAT APPROVAL.....\$ 50.00
PRELIMINARY PLAT APPROVAL\$ 100.00
FINAL PLAT APPROVAL (\$100.00 + \$5.00/LOT).....\$ 115.00
FINAL PLAT SECTION FEE.....\$ 100.00
BULK LAND TRANSFER...(\$100.00).....\$

TOTAL SUBDIVISION APPROVAL FEES.....\$ 265.00

RECREATION FEES:

Myra Plans dated Jan 31 '96 OK
___ LOTS @ \$500.00 PER LOT\$ 1000.00

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES.....\$ 730.00
PLANNING BOARD ATTORNEY FEES.....\$
MINUTES OF MEETINGS.....\$
OTHER.....\$

PERFORMANCE BOND AMOUNT.....\$

4% OF ABOVE AMOUNT.....\$

ESTIMATE OF PRIVATE IMPROVEMENTS: \$

2% OF APPROVED COST ESTIMATE:.....\$
(INSPECTION FEE)

Called D. Yanosh 2/16/96 @ 2:15 w/few

Due T.N.W. 7157.50

25 Park Road
Salisbury Mills, NY 12577
April 25 , 1996

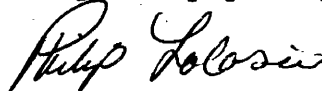
Planning Board, Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

To whom it may concern:

On or about July 12, 1995 I was present at a community meeting before the Board. During the course of the meeting, I voiced my opinion about the topic being discussed, and made certain comments concerning Edward Biagini. Unfortunately, Mr. Biagini misinterpreted those comments as personally offensive.

Due to the nature of the topics being discussed that evening at the meeting, tempers were raised and the discussion became heated. My comments were made quickly, and were, therefore, confusing. I apologize for any misinterpretation or inconvenience caused by my comments that evening.

Very truly yours,



Philip Locascio

cc: Levinson, Zeccola, Reineke
& Ornstein, PC

REGULAR ITEMS:

RAKOWIECKI SUBDIVISION (94-21) STATION ROAD

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: Why don't you put your map up?

MR. YANOSH: This is Mrs. Rakowiecki, owner of 151.71 acre parcel of land, R-3 zone, bordered by Station Road access to Ridgeview, Finley and hopefully some day Ashley Court. Calls for a three lot residential subdivision. Lot one 34.431 acres, lot two is going to be retained by Mrs. Rakowiecki, 97.12 acres, lot number three, 18.89 acres which borders Station Road which will be acquired by a relative of Mrs. Rakowiecki and we have been here to the board a few times, public hearing we have addressed at the public hearing with the additional subdivision of lot number one, we have taken care of some of the environmental issues that were brought up at the public hearing and I have added notes 5 and 6 from the last plan which we discussed lot number one the future subdivision of lot number one which has been a stickler point for the longest time on this one, and I have taken care of all the engineering comments of Mr. Edsall and the rest of the board and right now we're tonight we'll be looking for a final approval on the project so we can proceed on with it.

MR. PETRO: We had a public hearing at the July 12, 1995 meeting and you had other meetings prior to that, I believe also?

MR. YANOSH: Yes.

MR. PETRO: It's 152 acres, correct?

MR. YANOSH: Correct.

MR. PETRO: You're looking for a three lot subdivision, one of which is already built upon?

MR. YANOSH: Yes.

MR. PETRO: We also did a traffic study at the request of the planning board. Can you give us a brief overlay?

MR. YANOSH: Discussing potential development of lot number one of three homes, which is just a conceptual sketch that was performed by my office at the request of the planning board for any type of future development for lot number one, traffic study looked for accesses off Ashley Court and the future Ridgeview and Finley Drive and on the development in the Beaver Dam Lake area and the rest of Lake Road would be very minimal, would have no impact on any type of environmental concerns in that area.

MR. PETRO: I think the findings of that study are also part of the minutes of the July 12, 1995 planning board meeting.

MR. YANOSH: Yes, they were submitted, yes.

MR. PETRO: Andy, can you touch on the SEQRA where we're at with that?

MR. KRIEGER: The state law requires that when there's a minor subdivision if the subdivider or applicant indicates a desire or an intention in the future to further subdivide that all the SEQRA ramifications of that would obtain in the larger the subsequent subdivision be considered before the primary subdivision. The law as I have researched it however, is silent with respect to what happens if there are notes in the maps such as those I'm seeing here for the first time, 5 and 6. I believe looking at the tenor of the decisions and its rationalization and the rationale behind them and so forth, it provided that there is no further subdivision or further treatment of lot number one as is specified in note 5 here and provided that the environmental impact that would occur from this 3 lot subdivision is considered that that would be sufficient to defer what, I will call for a lack of better term full SEQRA review on a major subdivision until the application for the major subdivision. This is the first time I have seen what's on this map as notes 5 and 6 and I think that will be sufficient to

defer it.

MR. PETRO: We took lead agency on January 25, 1995, that is what my records show here, obviously we haven't gone further.

MR. LANDER: Now we have done a traffic study on this lot one, now you said that they are all going to come out on Ashley, is that correct?

MR. YANOSH: No, they are split, Ashley, Ridgeview and Finley.

MR. LANDER: Did we do storm water on lot one? Was there a storm water, I'm sure there had to be with all the water problems that we have down below here, seeing as we're climbing the hill.

MR. YANOSH: I know after the storm last week and the week before, the drainage on Ashley and the rest of that was fine. There had been no problems.

MR. LANDER: Has there been work done since the public hearing?

MR. YANOSH: What it was was it was something was done probably before the public hearing, cleaning the pipes and cleaning the drainage was the big problem.

MR. DUBALDI: Any other work other than that?

MR. YANOSH: No, that was it, drainage cleaning, the pipes was the main problem with blockage, that is what caused a lot of the flooding in the first place.

MR. PETRO: We had talked about putting a road in from Station Road over into the subdivision and coming out. Refresh me on why that fizzled out.

MR. YANOSH: Well, the number one is that the traffic study shows that it would be minimal impact on to the rest of Beaver Dam Lake and Lake Road and plus the cost impact of putting in a road over a thousand feet just to serve, you know, possibly this end of the subdivision eventually 15 lots possibly just the cost

effectiveness of building that road is--

MR. PETRO: The owner of the property was also against it.

MR. YANOSH: Mrs. Rakowiecki just didn't want to come through with that. Again, the reason Finley and Ridgeview and Ashley Court were built where they were and the reason they were dead-ended at this property was for future development, something that was done previous development allowed that to happen in the future, same thing with Ashley Court, quite a few years ago.

MR. LANDER: As you know, down below this on where all these, Ashley and Ridgeview and Finley end up, it's like putting ten pounds in a five pound bag because there's a culvert that goes underneath the road is not sufficient enough cause it fills that pipe and even crosses the road.

MR. YANOSH: Yeah.

MR. LANDER: Down over here.

MR. YANOSH: Right down over here. Again, once this is developed, like I said, we discussed that before, all those concerns for this guy here, lot number one will be taken care of in the future development.

MR. LANDER: Isn't there a suit over the subdivision put in prior to this?

MR. YANOSH: Yeah, there still is litigation between--

MR. LANDER: That was for drainage, was that?

MR. YANOSH: Some of that is drainage, really main thing was the construction of the road which included drainage, how the road was built. Again, the road hasn't been accepted yet by the town, that is still in litigation.

MR. LANDER: Developer's still maintaining that?

MR. YANOSH: He's still maintaining that. Anything else being done with this lot again we're not going to be able to extend Ashley Court until such time that Ashley Court does become a town road.

MR. PETRO: Mark, do you have any outstanding engineering problems with this plan as it stands? I know we have reviewed it a number of times.

MR. EDSALL: Again, it's the application that the board has now is the three lot subdivision. So the answer to your direct question is no, obviously when he comes back for the further subdivision of lot one, there's going to be a lot of questions and a lot of studies that need to be done.

MR. PETRO: Just so we don't belabor this, Mark's hit it right on the head and some of the other members probably feel the same way we had a public hearing for this. As you know, the room was packed, major concerns, especially with drainage and the traffic, the traffic I feel we have addressed that pretty good. The drainage has yet to be addressed but again, as I stated earlier this is 152 lot acre subdivision and three lots, one which is already existing so we're adding two new homes which obviously on 152 acres would not increase the drainage problem to any great degree. I can tell you this at sometime in the future when you do or if you ever do come in for further subdivision that the board's going to be very inquisitive on how you're going to handle downstream as far as the internal drainage problems. I'd like to put you on notice now.

MR. YANOSH: No problem.

MR. EDSALL: Just to reinforce one of the items you just did, Jim, when you discuss the board's comfort as it may be with the traffic information that was submitted, I'm sure what you're telling Mr. Yanosh is that that was relative to your concept review of the need for the through road to be as being considered for this application only because when the new application comes in, you'll need to initiate a new SEQRA review and one of the items of review still is traffic so although you may have gotten ahead of yourself a little

bit with some of the traffic information that review must occur in detail for the new subdivision and the conclusions that were reached for this subdivision are not guaranteed for any further review.

MR. YANOSH: Include all those studies.

MR. PETRO: Bottom line for the minutes and for you and your applicant Mark is telling me to make sure I tell you it's for this application only.

MR. YANOSH: Yes.

MR. PETRO: Is there any other outstanding comments from any of the board members on this application? I think we need to do SEQRA.

MR. DUBALDI: Make a motion we declare negative dec.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor planning board declare negative dec for the Rakowiecki Park Road Construction subdivision off Ashley Court Beaver Dam Lake area. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	ABSTAIN
MR. PETRO	AYE

MR. PETRO: We have fire approval on 1/16/96 and municipal highway approval on 1/17/96.

MR. LANDER: New highway super sign that?

MR. PETRO: I believe the new one has signed it.

MR. STENT: I make a motion that we grant final approval to the Rakowiecki three lot subdivision.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Rakowiecki Park Road subdivision off Ashley Court Beaver Dam Lake area. Is there any further discussion from the board members? And I believe there's no subject-tos at all. Is there any further discussion? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	ABSTAIN
MR. PETRO	AYE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

REVIEW NAME: RAKOWIEKI (PARK ROAD CONSTRUCTION) SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT (BEAVER DAM LAKE AREA)
SECTION 57-BLOCK 1-LOT 88.2
PROJECT NUMBER: 94-21
DATE: 24 JANUARY 1996
DESCRIPTION: THE APPLICANT PROPOSES THE SUBDIVISION OF A
151.7 +/--ACRE PARCEL INTO THREE (3) SINGLE-FAMILY
RESIDENTIAL LOTS. THE PROJECT WAS MOST RECENTLY
REVIEWED AT THE 12 JULY 1995 PLANNING BOARD
MEETING, AT WHICH TIME A PUBLIC HEARING WAS
HELD.

1. At one time during the discussions regarding this application, the Planning Board and the Planning Board Attorney discussed the possible need to review the potential effects of not only the initial subdivision, but also the pending (future) subdivision. Mention was made of the possible need for a draft Environmental Impact Statement to consider these possible environmental effects.

Subsequent to those discussions, on 19 July 1995 Andrew Krieger, the Planning Board Attorney, issued a letter to the Planning Board, outlining his position with regard to the SEQRA requirements for this project.

I suggest that the Planning Board review the status of the SEQRA review process with their Attorney and determine the next appropriate step in this process.

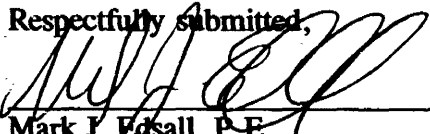
2. The Planning Board also discussed possible restrictions regarding the development of Lot 1 of the subdivision, in recognition of existing downstream drainage problems. The Board should discuss the status of these restrictions and, if these are to be required, should agree on the actual conditions of the restrictions.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

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DATE: 24 JANUARY 1996

3. After the Board resolves the above items, should any further technical reviews be necessary, I will be pleased to perform same, as deemed appropriate by the Planning Board.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:RAKOW.mk

Daniel P. Yanosh

LICENSED LAND SURVEYOR

Route 302, P.O. Box 320
Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.
Kevin J. Wild, L.L.S.

Tel: 914-361-4700
Fax: 914-361-4722

January 4, 1996

Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

RE: Rakowieki (Park Road Construction) Subdivision
Project # 94-21

Dear Mark:

Enclosed are revised plans with the following additional notes as per the Planning Board Attorneys' request.

- 1] Note # 5, Sheet 1, states "There will be no clearing of the land of Lot # 1 without approval from the Town of New Windsor Planning Board".
- 2] Note # 6, Sheet 1, states, "Any further subdivision of these lots will be reviewed by the Town of New Windsor in respect for full compliance of the State Environmental Quality Review Act".

I believe that this is the last item needed for final approval of this plan. Please place this item on the next available agenda for discussion.

Sincerely:


Daniel P. Yanosh L.L.S.

cc: Ed Biagini
Ben Oster
Jim Casazza

PLANNING BOARD : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for ~~Site Plan~~ Subdivision of

Rackowski / Park Rd. Const.

57-1-88.2

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

-----x
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

On November 28, 1995, I compared the 20 addressed envelopes containing the attached Agricultural District Notice with the certified list provided by the Assessor regarding the above application for Site Plan/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason

Myra L. Mason, Secretary for
the Planning Board

Sworn to before me this

28th day of November, 1995

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 1997

PLANNING BOARD FILE NUMBER: Serial

MEMORANDUM FOR FILE

DATE: 9/28/95

On this date: I spoke to A. Krueger re: AB Statement
notification - The procedure is as follows:

When applicant receives the list from the Assessor,
they are to notify everyone on that list. If they
choose to only notify the names identified as
"AB Exemption" we need a written statement
in the file stating that they are aware that
this may lead to a problem in the
case of an "Article 78"

Cm

AGRICULTURAL DISTRICT NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York has before it an application for Subdivision/Site Plan _____
for the proposed Three Lot Subdivision of lands of Frances Rakowiecki
(briefly describe project)

As this project may be located within 500' of a farm operation located within an Agricultural District, the TOWN OF NEW WINDSOR is required to notify property owners of property containing a farm operation within this Agricultural District and within 500' of the proposed project.

Owner/Applicant Park Road Construction
Name

Address: P.O. Box 286
Salisbury Mills, NY 12577

Project Location: 57 - 1 - 88.2
Tax Map # Sec., Block, Lot

Street: Station Road

A map of this project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y.

Date: August 4, 1995

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.,
Chairman

RESULTS OF P.B. MEETING

DATE: 11-8-95

PROJECT NAME: _____ PROJECT NUMBER _____

LEAD AGENCY: _____

* NEGATIVE DEC:

M) ___ S) ___ VOTE: A ___ N ___

* M) ___ S) ___ VOTE: A ___ N ___

CARRIED: YES ___ NO ___

* CARRIED: YES: ___ NO ___

PUBLIC HEARING: M) ___ S) ___ VOTE: A ___ N ___

WAIVED: YES ___ NO ___

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

DISAPP: REFER TO Z.B.A.: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

RETURN TO WORK SHOP: YES ___ NO ___

APPROVAL:

M) ___ S) ___ VOTE: A ___ N ___ APPROVED: _____

M) ___ S) ___ VOTE: A ___ N ___ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES ___ NO ___

DISCUSSION/APPROVAL CONDITIONS: _____

(m) D & To Adopt Traffic Study
(S) V

4 Ayes
0 Nays



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

July 18, 1995

Daniel P. Yanosh, L.S.
P.O. Box 320
Circleville, NY 10919

Re: Tax Map Parcel 57-1-88.2

Dear Mr. Yanosh:

According to our records, the attached list of property owners are within the agricultural district, which is within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, which you already paid in the form of a deposit.

Sincerely,

LESLIE COOK
Sole Assessor

Attachment
cc: Myra Mason

* Ag. Dist. Parcels within 500 feet of subject property.

✓ 56-1-20 Rakowiecki, Joseph E. Station Road Salisbury Mills, NY 12577	<i>* same</i>	has agricultural exemption
✓ 56-1-21 Rakowiecki, Joseph 203 Station Rd. Salisbury Mills, NY 12577		no exemption
✓ 56-1-22.1 Trova, Michael P. & Sharon B. 416 Station Rd. Salisbury Mills, NY 12577		no exemption
✓ 56-1-22.2 Roberts, Chester J. & Diane Station Rd. Salisbury Mills, NY 12577		no exemption
✓ 56-1-22.31 Schmidt, Albert L. & Johanna Station Rd. Salisbury Mills, NY 12577		no exemption
✓ 56-1-22.32 Becce, Nicholas & Veronica 112 Dewey Ave. Albertson, NY 11507		no exemption
✓ 57-1-86 Rakowiecki, Joseph E. 423 Station Rd. Salisbury Mills, NY 12577		has agricultural exemption
✓ 57-1-88.1 Roberts, Gary & Kathy 423 Station Rd. Salisbury Mills, NY 12577		no exemption
✓ 57-1-89.22 Margaret Capolino c/o Capolino, Ilando Suite 1000, 50 Main St. White Plains, NY 10601		no exemption

*Please be advised that this parcel borders the Town line and there may be Agricultural District properties within 500 feet to the south in the Town of Blooming Grove.

2

TOWN OF BLOOMING GROVE

* Ag. Dist. Parcels within 500 feet of subject property.

3-1-59.1

✓ Edward & Denise Johnson
22 Clarkview Road
New Windsor, NY 12553

no exemption

3-1-59.2

✓ Joseph E. Rakowiecki
Station Road
Salisbury Mills, NY 12577

Same
agricultural exemption

3-1-42.51

✓ George Wontz
Station Road
Salisbury Mills, NY 12577

no exemption

3-1-42.52

✓ Deljo Enterprises, Inc.
P.O. Box 361
Chester, NY 10918

no exemption

3-1-42.1

✓ Robert & Patricia Helm
433 Station Road
Salisbury Mills, NY 12577

no exemption

3-1-42.2

✓ Billy & Sara Lee
437 Station Road
Salisbury Mills, NY 12577

no exemption

3-1-42.3

✓ James & Anneliese Sullivan
36 Parker Place
Upper Saddle River, NJ 07458

no exemption

3-1-42.4

✓ Dennis & Lorraine Butler
443 Station Road
Salisbury Mills, NY 12577

no exemption

2-1-29

✓ Joseph Noto
30 Gold Place
Malverne, NY 11565

no exemption

2-1-28

✓ Elsie & Benjamin Fields, Jr.
P.O. Box 55
Salisbury Mills, NY 12577

no exemption

page 2
TOWN OF BLOOMING GROVE

2-1-17.1

no exemption

✓ Thomas & Maureen Matovic
434 Station Road
Salisbury Mills, NY 12577

2-1-18

no exemption

✓ Kenneth & Arlene Roberts
436 Station Road
Salisbury Mills, NY 12577

20 envelopes

RAKOWIECKI SUBDIVISION (94-21) - TRAFFIC SURVEY
DISCUSSION

Mr. Daniel Yanosh and Shelly R. Johnston of Transportation Concepts appeared before the board for this proposal.

MR. YANOSH: Good evening, this is Shelly Johnston from Transportation Concepts who prepared the letter you received dated October 31, 1995.

MR. PETRO: Yes, you want to go briefly over what you found or how you want to discuss this, Mark, you want to lead into this?

MR. EDSALL: Yeah, I think the purpose tonight in getting them in is I had received one letter early on that provided a scope for the study as far as tasks and I as well have received a letter with a preliminary impact analysis, I thought this was a perfect time for them to come in, possibly go over the scope of what they propose to do, what's been done so far, what conclusions they have reached and what other information they propose to supply and make sure that the board and the applicant are on the same wavelength as far as what you're both expecting.

MR. PETRO: Now there was one aspect of this that you said did not touch upon the Station Road crossing in that you felt that it would be necessary to do that.

MR. EDSALL: No, what I said was is that in the various tasks, one of them was an alternative analysis which looked at the Station Road connection and I hadn't gotten that yet, I don't believe so, I was just suggesting that when they are done explaining their findings from the preliminary impact analysis that you inquire as to what other tasks they plan to proceed with and then discuss the scope of those so that we don't have any misunderstandings.

MR. PETRO: Are you going to give us an overlay of your findings?

MS. JOHNSTON: I can do that for you.

MR. PETRO: Briefly, we don't have to go into depth.

MS. JOHNSTON: You all had the letter. So far, I agree with everything Mark had said, we talked with Mark and we had frankly had reviewed a previous submission to the town about another consultant for the traffic study and we looked at the proposal for three lot subdivision and we said we don't exactly agree what this scope of a different consultant had proposed and apparently had gotten some input from the town. So I called Mark and he said well, these were the issues at that time which was several months ago in June or July. I said well, we can put together a proposal that mirrors that same proposal and then subsequent to that, after we submit that scope of services, we talked to Mark and he said I can submit it to the board, get input. He said I'll tell you right now, one of the issues that they have talked about is Station Road and potential that, potential access or alternative access at least looking at the feasibility of access from the subdivision of the one lot into three residential lots and out to Station Road. Subsequent to that, we looked at this site, we took a site visit, looked at the existing subdivision where the proposed subdivision was supposed to tie into the proposed to be tied into, we did as this letter outlines, we did a trip generation estimate for the maximum potential build out to have that one lot of 34.4 acres, if they were developed as three residential lots, during the maximum hour during the afternoon peak hour, it would generate 44 vehicle trips that is based on information in the Institute of Transportation Engineers trip Generation Manual then what we did is looked at 44 trips. Of those 44 trips, 28 of the trips will be entering and 16 will be exiting during the afternoon peak hour. As you know, the subdivision proposes to tie into Ashley Court Ridgeview Road and Finley Drive. Once you disperse the traffic over those three roads, when you eventually lead out to Lake Road, you're talking about a net increase of about nine or ten trips on each of one of those residential roads that eventually lead to Lake Road. Our assessment of nine or ten additional trips during peak hour it will have a negligible impact though these streets are sufficiently constructed of sufficient

width to accommodate nine to ten additional trips in one direction during a peak hour. From that, we determined that there would be a negligible impact on the operation of the intersection on that eastern side of the property. Therefore, we did not feel that it was necessary or would be necessary or even beneficial to have access from this subdivision out to Station Road. The only logical reason to have access to Station Road would be to mitigate potential impacts on those other intersections of Ashley, Finley and Ridgeview, and eventually to Lake Road and you can extend it even further to Lake Road up to 207 or down to 94. Again, the only reason to have access to Station Road would be if you are trying to mitigate the impact of so many vehicles on another side street. So that is why we didn't look at Station Road in detail. We did look in detail at the existing structure of these residential streets, the geometry, the sight distance there really just will not be a significant impact from nine to ten additional trips.

MR. DUBALDI: Assumed full development nine trips per hour?

MS. JOHNSTON: What you're talking about, yes and no, how about that? It is development of three lots that of course assumes you'd get sewer and water to be able to develop that in density the nine to ten additional trips is after you distribute the 44 trips on three existing residential streets, Ashley, Finley and Ridgeview.

MR. DUBALDI: That is peak?

MS. JOHNSTON: That is peak during afternoon peak hour, that is one direction during other hours of the day obviously would be much less, even in the morning peak hour it would be less.

MR. PETRO: Mark, let me ask you this, we had requested if I remember correctly Mr. Yanosh provide us for this subdivision, obviously they are coming up, they are disproving that we do need that. My questions is this. The traffic study we had required or asked for and is it in depth enough to accept this and go further with

the subdivision?

MR. EDSALL: You can get as in depth a study as you want, whether or not it is warranted is something different. What I am saying is you're looking not at a substantial amount of trips exactly what we're being told I believe is the case what Shelly's telling is once you distribute the traffic among three roads, you have got an insignificant situation. More significant that is going to be the fact that these dead-end roads will become through roads that is probably significant to the people that live there but it's not significant from a traffic standpoint the roads from what Shelly's telling us can easily handle.

MR. DUBALDI: Town roads?

MR. EDSALL: They are town roads as far as the benefit in going over to station, if there are benefits long term to the town for the cross connection that again is a separate issue than is it needed and warranted by three lots. Two different issues.

MR. PETRO: Also remember we keep talking about the three lots at this time, we only have a three lot subdivision.

MR. EDSALL: Exactly.

MR. PETRO: So my question again and I'll pose it to the board is this sufficient enough information that we should move forward with the three lot subdivision?

MR. VAN LEEUWEN: For me it is.

MR. DUBALDI: No problem.

MR. KRIEGER: I do have a question with respect to that. The conclusion that you have reached is based upon in part upon feeling that the roads including Ashley Court are adequate.

MS. JOHNSTON: Yes.

MR. KRIEGER: If I remember correctly, Ashley, what's

now Ashley Court which would tie into Park Road.

MS. JOHNSTON: Yes.

MR. KRIEGER: Have you in preparing this development, preparing the survey, made any determination as to whether Park Road as it exists now is adequate.

MS. JOHNSTON: in particular in what respect, the width of the road?

MR. KRIEGER: For the purpose for you making up the study, I mean just asking, I'm not saying--

MR. VAN LEEUWEN: What he is trying to say is did you check the other roads where this leads into or just--

MS. JOHNSTON: Yes, I mean I drove around the entire subdivision from all the points that I could get to Lake Road which I felt was the primary destination for these people to get out to Lake Road, all of those roads obviously serve existing residential homes, it would be essentially an extension of the existing subdivision that is there now as those streets were originally designed, they are all designed as dead-end or cul-de-sac streets without any homes that would encumber any extension further to the west in so as far as that is a town road, it will accommodate further roads.

MR. DUBALDI: Any upgrades?

MR. KRIEGER: So your assumption is based on the fact that it is an existing town road, would your assumption change if it turned out that Park Road was not an existing town road and it had not been accepted by the town? Would that change your conclusion in any way?

MS. JOHNSTON: It changes some of the assumptions that I make in my conclusion, yes.

MR. KRIEGER: I advise the board that Park Road to my knowledge has not been accepted by the town, it is therefore not a town road within the definition of an accepted roadway and since it apparently would change

some of the conclusions, I would urge the board to look at that.

MR. PETRO: Do you feel that it would change it in a positive way enough to impact the three lot subdivision?

MR. KRIEGER: Well, I'm not an engineer and I'm not a transportation expert and I'm not qualified to make any conclusion as to what impact it would have. I merely point out that one of the assumptions made in preparing this report is an assumption that the board may not see accept to the facts and they should be aware that the facts are different and it is for the board to determine whether or not that has sufficient impact for there purposes to cast enough doubt on this report.

MR. YANOSH: I can answer that probably for you. I know that once the three lot does come into the board for its approval, I know it will be the board's point to make sure that Park Road and Ashley are town roads before we can even hook into them. It will be a portion of something that will be taken care of later on when we do come back for that subdivision that will not happen, unless Park and Ashley do become.

MR. PETRO: I agree with you a hundred percent and I thank Andy for bringing that point out because that is what he is paid to do but I also feel at this time, and members of the board correct me, stop me at any time, that this, I want to thank this young lady for preparing this and Mr. Yanosh for complying with the wishes of the planning board. Mark?

MR. EDSALL: Just one quick question to Shelly. Let's assume for the moment that only two of the three accesses are ultimately developed just so we have it in the record, would you believe that we have only two accesses existing that the distribution being whatever percentage 50-50 whatever would change the conclusion.

MS. JOHNSTON: No, you're only talking instead of nine, you're talking 14 trips.

MR. EDSALL: This case shows three, if in fact for some

reason the final plan only had two accesses and I think normally the board doesn't want to have less than two, that is why I am asking the question, if it goes down to two, we're now hearing that the report would still be valid and I just wanted to get that in the minutes.

MR. PETRO: I want to thank Mr. Yanosh for preparing this and following with the wishes of the planning board and I'd like to adopt this and I'd like to do it by the form of a motion that it be accepted.

MR. VAN LEEUWEN: So moved.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept Transportation Concept's letter dated October 31, 1995 to myself and to the planning board to the Town of New Windsor and it does fulfill our needs for a transportation study on the Rakowieki subdivision at this time. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

MR. VAN LEEUWEN: I move we adjourn.

MR. DUBALDI: Second it.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE

November 8, 1995

68

MR. DUBALDI
MR. PETRO

AYE
AYE

Respectfully Submitted By

Frances Roth
Frances Roth
Stenographer 11/22/95

ANDREW S. KRIEGER
ATTORNEY AT LAW
219 QUASSAICK AVENUE
SQUIRE SHOPPING CENTER, SUITE 3
NEW WINDSOR, NEW YORK 12553
(914) 562-2333

October 2, 1995

Daniel P. Yanosh, L.L.S.
Route 302, Box 320
Circleville, New York 10919

Re: Lands of Rakowiecki

Dear Mr. Yanosh:

At the request of Chairman Petro, I am writing to you in response to your letter of September 28, 1995.

The appropriate statutes require notice to all "farm operations" within 500 feet of a proposed development which are also within an agricultural district. Neither the statutes or any other legal authority has been found defining the term "farm operations", however.

There is no reason to conclude that "farm operations" are the same as "agricultural exemptions" as identified by the tax assessor. The phrases "agricultural exemption" and "farm operations" are not the same and are used for different purposes. It is not clear that notifying only those persons listed by an assessor as having "agricultural exemptions" will satisfy the requirements of the law with respect to agricultural district subdivision notices.

It is reasonable to expect, at a minimum, that failure to properly notify all applicable "farm operations" may form the basis of an Article 78 challenge to any approval that may be granted by the Planning Board. You and your client are encouraged to obtain your own legal counsel on this entire question.

The Planning Board will send the agricultural data notice to those persons whom you designate. If you choose to designate for notice purposes only those persons or properties that have "agricultural exemptions" you are cautioned, that if

Daniel P. Yanosh, L.L.S.

-2-

September 29, 1995

there is a subsequent Article 78 challenge you could lose any approvals you might have gotten.

Thank you.

Very truly yours,

ANDREW S. KRIEGER

ASK:mmt

cc: Myra Mason

Daniel P. Yanosh

LICENSED LAND SURVEYOR

Route 302, P.O. Box 320
Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.
Kevin J. Wild, L.L.S.

Tel: 914-361-4700
Fax: 914-361-4722

September 28, 1995

Planning Board Chairman
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Re: 3 Lot Subdivision
Lands of Francis Rakowiecki
Station Road

Dear Mr. Petro:

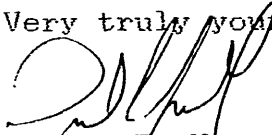
An Agricultural Data Statement has been prepared for the 3 Lot Subdivision of Lands of Francis Rakowiecki located on Station Road. As a part of this Agricultural Data Statement, names and addresses of owners of land within the agricultural district, which land contains farm operations and is located within five hundred (500) feet of the boundary of the property upon which the project is proposed has also been submitted. Also included are names and addresses of owners of land in the Town of Blooming Grove, which fall under the same criterion.

An Agricultural District Notice has also been prepared which states that "the Town of New Windsor is required to notify property owners of property containing a farm operation within this agricultural District and within 500' of the proposed project."

There is only one land owner, Joseph Rakowiecki, within 500' of the proposed project that is identified as having an agricultural exemption (farm operation) as per the tax rolls of the Towns of New Windsor and Blooming Grove.

Therefore, it is our feeling that Joseph Rakowiecki is the only land owner that must be sent an Agricultural District Notice.

Very truly yours,


Daniel P. Yanosh, L.L.S.

Daniel P. Yanosh

LICENSED LAND SURVEYOR

Route 302, P.O. Box 320

Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.

Kevin J. Wild, L.L.S.

Tel: 914-361-4700

Fax: 914-361-4722

September 28, 1995

Planning Board Chairman
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Re: 3 Lot Subdivision
Lands of Francis Rakowiecki
Station Road

Dear Mr. Petro:

An Agricultural Data Statement has been prepared for the 3 Lot Subdivision of Lands of Francis Rakowiecki located on Station Road. As a part of this Agricultural Data Statement, names and addresses of owners of land within the agricultural district, which land contains farm operations and is located within five hundred (500) feet of the boundary of the property upon which the project is proposed has also been submitted. Also included are names and addresses of owners of land in the Town of Blooming Grove, which fall under the same criterion.

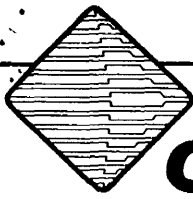
An Agricultural District Notice has also been prepared which states that "the Town of New Windsor is required to notify property owners of property containing a farm operation within this agricultural District and within 500' of the proposed project."

There is only one land owner, Joseph Rakowiecki, within 500' of the proposed project that is identified as having an agricultural exemption (farm operation) as per the tax rolls of the Towns of New Windsor and Blooming Grove.

Therefore, it is our feeling that Joseph Rakowiecki is the only land owner that must be sent an Agricultural District Notice.

Very truly yours,

Daniel P. Yanosh, L.L.S.



Transportation Concepts

900 Route 146
Clifton Park, NY 12065
518 371-0177
518 383-4189 Fax

October 31, 1995

Mr. James Petro
Planning Board Chair
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Re: Rakowieki Subdivision

Dear Mr. Petro:

We have completed a preliminary traffic impact analysis of the proposed subdivision of 151.71 acres of land currently owned by Frances J. Rakowieki. The project site is bounded by Station Road to the west and the existing Hill Crest subdivision to the east. While the current proposal before the Town of New Windsor is to subdivide the 151.71 acres into three lots, we understand that one of the three lots is planned to be further subdivided. Specifically, Lot 1 as identified on the Property Survey and 3 Lot Subdivision, dated March 3, 1994, as prepared by Daniel P. Yanosh, L.L.S., encompasses 34.431 acres and is planned to be subdivided into 37 residential lots, assuming that public utilities such as sewer and water can be obtained from the Town. If sewer services can not be obtained from the Town, the ultimate yield of Lot 1 will be only 13 to 15 residential lots. Vehicular access to the residential subdivision is proposed to be provided through an extension of Ashley Court, Ridge View Road and Finley Drive.

The relative impact of the proposed residential subdivision may first be assessed by estimating the number of vehicular trip ends that will be generated by the new homes during the morning and afternoon peak hours. The peak hour trip generation estimate for the subdivision was based on the historical information provided in the Institute of Transportation Engineers (ITE) *Trip Generation*, fifth edition, for Land Use Code 210: Single Family Homes. The ITE publication is the industry standard for estimating trip generation for new developments. Based on the information in the *Trip Generation*, 37 single family homes will generate a total of 34 vehicle trip ends during the morning peak hour (9 trips entering and 25 trips exiting) and 44 vehicle trip ends during the afternoon peak hour (28 trips entering and 16 trips exiting). If conditions require that the subdivision be reduced to only 15 lots, it is estimated that the subdivision will generate 16 vehicle trip ends during the morning peak hour (4 trips entering and 12 trips exiting) and 20 vehicle trip ends during the afternoon peak hour (13 entering and 7 exiting).

On Friday, September 15, 1995, Transportation Concepts completed an investigation of the project site and the adjacent transportation system that will serve the traffic generated by the proposed subdivision of Lot 1. Ashley Court, Ridge View Road and Finley Drive are all residential streets that were designed and constructed in accordance with industry standards for road width for residential streets. The western limit of each of these roads is either a cul-de-sac or a "dead end". Review of the layout of the homes at the western limit of Ashley Court, Ridge View Road and Finley Drive indicates that the original subdivision was designed to allow future extension of these residential streets to the west without disruption to the layout of the existing homes at the end of these streets. Therefore, the layout of the proposed subdivision of Lot 1 is

Mr. James Petro
October 31, 1995
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consistent with the original comprehensive plan for development of the property along the west side of Lake Road. That is, it appears that it was always intended that access to undeveloped lands to the west would be provided through extension of Ashley Court, Ridge View Road and Finley Drive.

The estimated trip generation for the proposed development indicates that a 37-lot subdivision will generate 44 trip ends during the highest peak hour. These 44 trips will access Lake Road via Ashley Court to Park Road, or Ridge View Road to Valley Drive to Hill Crest Drive, or Finley Drive to Valley Drive. A street map is included for your reference. On Lake Road, the vehicles generated by the subdivision will travel north to Route 207 or south to Route 94. During the afternoon peak hour, a majority of the traffic generated by the subdivision will be entering trips. The 28 entering trips will be distributed over the three existing roads, Ashley Court, Ridge View Road and Finley Drive, resulting in an average increase of only 9 to 10 entering trips during the afternoon peak hour on the existing residential streets. The 16 trips estimated to exit the proposed subdivision during the afternoon peak hour will similarly be distributed over the three roads resulting in an average increase of 5 to 6 exiting trips during the highest hour. The impact of the relatively few additional trips generated by 37 residential lots will be insignificant. The existing residential streets will be able to adequately accommodate the additional traffic generated by the 37 lot subdivision. No improvements or widening of the residential streets is required as a result of the proposed development.

If the number of residential lots is reduced by 60 percent or more, the relative impact of the traffic will be reduced accordingly. The 13 trips entering the subdivision during the highest peak hour will be distributed over the three existing roads, Ashley Court, Ridge View Road and Finley Drive, resulting in an average increase of only 4 to 5 entering trips during the afternoon peak hour on the existing residential streets. The 7 trips estimated to exit the 15-lot subdivision during the afternoon peak hour will similarly be distributed over the three roads resulting in an average increase of 2 to 3 exiting trips during the highest hour. The impact of so few additional trips generated by 15 residential lots will be insignificant. The existing residential streets will be able to adequately accommodate the additional traffic generated by a 15 lot subdivision with no noticeable impact to the existing residential streets.

As vehicles move further away from the subdivision onto Lake Road and then to Route 207 and Route 94, the vehicles will be distributed to various directions and the increase in traffic volumes on any one approach of the existing highways will be negligible. Generally, the New York State Department of Transportation (NYSDOT) is not concerned with any development that adds fewer than 100 peak hour trips on any approach of a State highway, such as Route 207 or Route 94. Even with the maximum potential build-out of 37 residential lots, the net increase in traffic on the State highways will be fewer than 12 trips on any one approach of a State highway. The NYSDOT recognizes that so few trips will have no noticeable impact on the operation of the roadways or intersections.

Mr. James Petro
October 31, 1995
Page 3

Therefore, based on the estimated trip generation of the proposed subdivision, the availability of alternate travel routes to serve the additional traffic and the condition of the existing residential streets, the proposed subdivision of lands of Rakowieki will have an insignificant traffic impact. The existing street system will easily accommodate the additional traffic generated by the subdivision without any adverse impacts.

Should you have any questions regarding our traffic analysis of the proposed subdivision of lands of Rakowieki, please call me at (518)371-0177.

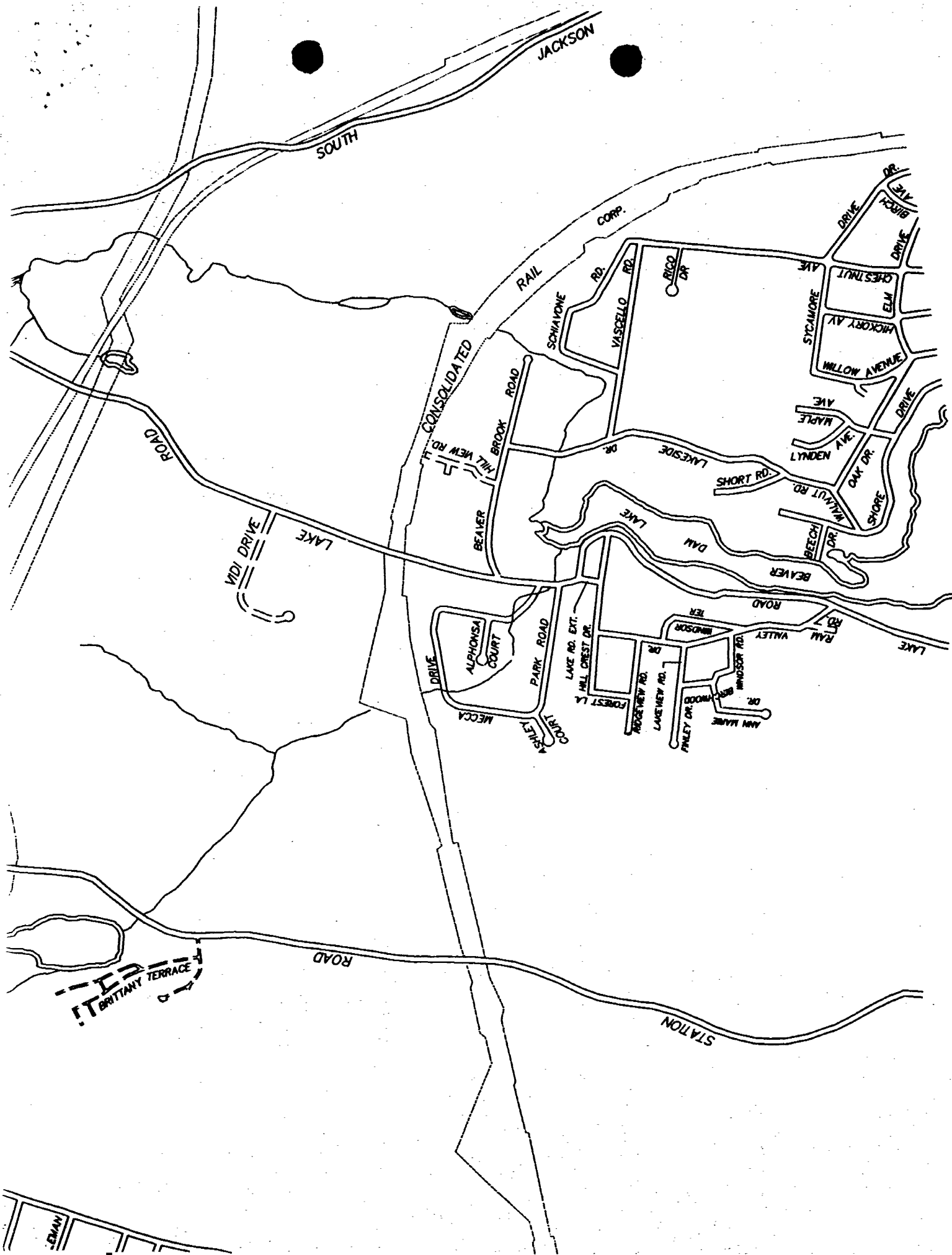
Sincerely,

TRANSPORTATION CONCEPTS

A handwritten signature in cursive script that reads "Shelly R. Johnston".

Shelly R. Johnston, P.E.
Principal

cc: B. Ostrer
D. Yanosh



*Received at Public Hearing
for Ratowski Sub. held
on 7/12/95.*

July 12, 1995

To The Planning Board of the Town of New Windsor,

We would like to request the following:

1. SEQR(State Environmental Quality Board)
2. A Positive Declaration
3. Traffic Study
4. DEIS (Draft Environmental Study)

We feel that this project will have a negative effect on our community and the environment, which is why we would like to see all this testing done. A complete environmental impact statement and drainage study is essential.

Also, we would request that no approvals go thru without all these studies being done and completed and ask that you send copies of these studies to the following address so that copies can be made and looked at by the people in our community.

Dina M. Cavazza
4 Finley Drive
Salisbury Mills, NY 12577.

Thank you in advance for all your cooperation.

Sincerely,

The Beaver Dam Community

*******PETITION*******

We the undersigned who reside in the Beaver Dam Lake area protest irresponsible and out of control exploitations of our natural resources and way of life. It is our firm belief that the proposed subdivision of the lands of Francis J. Rakowiecki will create a tremendous strain on our environment— especially our water— and adversely change the character of our community.

**WE NEED YOU AT NEW WINDSOR TOWN
HALL WEDNESDAY, JULY 12, 1995 AT 7:30 PM.**

<u>NAME</u>	<u>ADDRESS</u>
<u>Marianne Arnesen</u>	<u>15 Ridgerview Ln. Salisbury Mills 12577</u>
<u>Yvonne Arnesen</u>	<u>15 Ridgerview Ln Salisbury Mills</u>
<u>Yvonne Arnesen</u>	<u>17 Ridgerview Rd Salisbury Mills 12577</u>
<u>Gloria Freed</u>	<u>17 Ridge View Rd.</u>
<u>Dan Rhein</u>	<u>19 Ridge View Rd.</u>
<u>Jamie Rhein</u>	<u>19 Ridgerview Road</u>
<u>Enka Rhein</u>	<u>19 Ridgerview Road</u>
<u>Andrea LaChance</u>	<u>22 Ridge View Rd</u>
<u>RICHARD FREED</u>	<u>17 RIDGEVIEW RD</u>
<u>Gloria Concolini</u>	<u>1 Forest Ln Salisbury Mills</u>
<u>Carolyn Concolini</u>	<u>1 Forest Ln Salisbury Mills</u>
<u>Will Adams</u>	<u>1 Forest Ln Salisbury Mills</u>
<u>William Adams</u>	<u>14 Hillcrest Drive Salisbury Mills</u>
<u>Calleen Washburn</u>	<u>2 Forest Lane Salisbury Mills</u>
<u>Amy Washburn</u>	<u>2 Forest Lane Salisbury Mills</u>
<u>Holly Washburn</u>	<u>2 Forest Lane Salisbury Mills</u>
<u>Mark Travers</u>	<u>Ridge View Rd Salisbury Mills, NY</u>
<u>Gen' Travers</u>	

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HALL WEDNESDAY, JULY 12, 1995 AT 7:30 PM.**

<u>NAME</u>	<u>ADDRESS</u>
<u>Amyne Meekes</u>	<u>9 Ridgewood Rd.</u>
<u>James J. Meekes</u>	<u>9 Ridgewood Rd.</u>
<u>Helen M. Meeker</u>	<u>8 Ridge View Rd.</u>
<u>Bonnie D'Jovin</u>	<u>7 Ridge View Rd</u>
<u>Robert D'Jovin</u>	<u>7 RIDGE VIEW RD.</u>
<u>Ben Misserandino</u>	<u>49 Valley View</u>
<u>Danny Misserandino</u>	<u>49 Valley View</u>
<u>Val Misserandino</u>	<u>22 Ridge View</u>
<u>Jim Cusi</u>	<u>48 Valley View</u>
<u>Janet Walter</u>	<u>50 Valleyview Dr.</u>
<u>Christina Walter</u>	<u>50 Valleyview Dr.</u>
<u>Robert J. Finkler</u>	<u>29 Hillcrest Dr.</u>
<u>Jeff Finkler</u>	<u>29 Hillcrest Dr.</u>
<u>Donna Brandy</u>	<u>24 Hillcrest Drive</u>
<u>Thomaz Brandy</u>	<u>24 Hillcrest Drive</u>
<u>Tall Magenta</u>	<u>6 Forest Lane</u>
<u>Pamela Magenta</u>	<u>6 Forest Lane</u>
<u>Christopher McCallin</u>	<u>24 Valley Dr.</u>

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**WE NEED YOU AT NEW WINDSOR TOWN
HALL WEDNESDAY, JULY 12, 1995 AT 7:30 PM.**

<u>NAME</u>	<u>ADDRESS</u>
Ellen Youmans	Forest Lane
Steven Segreti	Forest Lane.
Mary Segreti	Forest Lane.
Emilio Rodriguez	Hillcrest Dr.
Zoraida Rodriguez	Hillcrest Dr.
Paul Villari	Hillcrest dr
Kim M. Burke	Hillcrest dr.
Laurene Cant	HILLCREST DR.
Michelle Wade	1-1 Deer Dr
Rita F Miller	Valley View Dr
Ketuma Bheir	19 Bridge view Rd.
William F Collins	24 Valley View Dr.
Margaret Collins	24 Valley View Dr.
Nick Vengon	7 Valley Drive
Pertha Melgado	36 Valley Drive
Stephen F. Melgado	36 Valley View Drive
Mark A. McKee	40 Valley Drive
Pertha McKee	40 Valley Drive

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**WE NEED YOU AT NEW WINDSOR TOWN
HALL WEDNESDAY, JULY 12, 1995 AT 7:30 PM.**

<u>NAME</u>	<u>ADDRESS</u>
Billy German	3 Forest Ln Sal Mill
Robert Falcon	41 Lake side Dr
Michael Leonard	PO Box 130
Crute M. L.	37 Mecca Dr. Salisbury Mills
James D. Sullivan	219 Walnut Ave Salisbury Mills
Eugene Messina	172 Sycamore Drive New Windsor - NY
Paul Wan	18 Lynmore Ave Salisbury Mills N.Y. 12577
Pick Lewis	2152 Rt. 94 Salisbury Mills 12577
Lawrence D. P.	139 Hickory Ave, New Windsor
Chris Rosini	139 Hickory Ave, New Windsor
Francis C. Smith	106 Windsor Terr Salisbury Mills
Charles H. P.	62 Vascello Rd New Windsor
Harry J. P.	1390 Rt 94 New Windsor 12553
Left P.	PO Box 349 Salisbury Mills 125
Paul J. P.	Hghview Drive Salisbury Mills NY
W.B.C. - U	Clove Rd Box 176 Salisbury Mills
H.B. P.	P.O. Box 37 275 Woodcockade
Clinton M. P.	SALisbury Mills N.Y.
	40 Shore Dr, N.W. 12553

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**WE NEED YOU AT NEW WINDSOR TOWN
HALL WEDNESDAY, JULY 12, 1995 AT 7:30 PM.**

<u>NAME</u>	<u>ADDRESS</u>
<u>Anne Cahill</u>	<u>32 Valley Drive Salisbury</u>
<u>Ellen Sutton</u>	<u>106 Windsor Terrace Salisbury Mills</u>
<u>Conor Cahill</u>	<u>32 Valley Dr Salisbury</u>
<u>Monson Gampel</u>	<u>Windsor Terr. Salisbury Mill</u>
<u>Francis Gerald</u>	<u>Windsor Terr. Salisbury Mill</u>
<u>Everett Holland</u>	<u>6 Windsor Rd Salisbury</u>
<u>H B Mulholland</u>	<u>6 Windsor Rd Salisbury</u>
<u>Andy Holland</u>	<u>6 Windsor Rd Salisbury</u>
<u>Daniel Waldo</u>	<u>1 Windsor Rd Salisbury Mills</u>
<u>Charlotte Waldo</u>	<u>1 Windsor Rd Salisbury Mills</u>
<u>MCH W. Muth</u>	<u>102 Windsor Terr Salisbury Mills, NY</u>
<u>Robert Miller</u>	<u>102 Windsor Terrace, Salisbury Mills</u>
<u>Onyiah Salas</u>	<u>33 Valley View Dr. Salisbury</u>
<u>Heidi Cox</u>	<u>11 Valley Dr Salisbury Mills</u>
<u>Jeff Cox</u>	<u>" " NY 10</u>
<u>Ruth Mendillo</u>	<u>" " "</u>
<u>Michael J. Hallinan</u>	<u>R.D.1. Ridgeview R.D. SALISBURY</u>
<u>Mary G. Hallman</u>	<u>R.D.1. Ridgeview R.D. SALISBURY</u>

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**WE NEED YOU AT NEW WINDSOR TOWN
HALL WEDNESDAY, JULY 12, 1995 AT 7:30 PM.**

<u>NAME</u>	<u>ADDRESS</u>
<i>Grace J. Broere</i>	<i>5 Windsor Rd Salisbury Mills</i>
<i>Walter J. Hyde Jr.</i>	<i>59 Windsor Road Salisbury Mills N.Y.</i>
<i>Kerri Sudul</i>	<i>3 Windsor Rd S. Mills NY</i>
<i>No Sudul</i>	<i>3 Windsor Rd Salisbury Mills N.Y.</i>
<i>Jahna Alotta</i>	<i>122 Windsor Ter Salisbury Mills NY 125</i>
<i>William J. Overbach</i>	<i>102 Windsor Ter Salisbury Mills 125.</i>
<i>Philip Alotta</i>	<i>11 Finley Dr. Salisbury Mills, N.Y.</i>
<i>Joseph M. Petri</i>	<i>8 Finley Dr. Salisbury Mills, N.Y.</i>
<i>Cathy L. Labar</i>	<i>11 Finley Dr. Salisbury Mills N.Y.</i>
<i>Brian Lemp</i>	<i>44 Lake Side Dr. New Windsor</i>
<i>John Wright</i>	<i>62 Vercelle Rd. New Windsor</i>
<i>Martin B. Briel</i>	<i>108 Willow Dr New Windsor</i>
<i>Joseph</i>	<i>111 Psh Dr New Windsor</i>
	<i>Route 94 Salisbury Mills</i>
	<i>Lucky Lane Washingtonville NY</i>

*****PETITION*****

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**WE NEED YOU AT NEW WINDSOR TOWN
HALL WEDNESDAY, JULY 12, 1995 AT 7:30 PM.**

<u>NAME</u>	<u>ADDRESS</u>
<u>James V. Staron</u>	<u>111 Sylvamore Dr New Windsor</u>
<u>Mike Linder</u>	<u>31 My Way S.M.</u>
<u>Robert Miller</u>	<u>Quaker Mills Rd S.M.</u>
<u>Robert E. Reynolds</u>	<u>25 Lark Lane Quaker Mills</u>
<u>David J. [Signature]</u>	<u>17 RIDGEVIEW Rd. Salisbury Mills</u>
<u>John Sabar</u>	<u>62 Vascello New Windsor N.Y.</u>
<u>Charles [Signature]</u>	<u>62 Vascello Rd New Windsor</u>
<u>Tracy [Signature]</u>	<u>54 Oak Drive NW NY</u>
<u>Dan W. [Signature]</u>	<u>Rd 2 Rivers Court New Windsor</u>
<u>John [Signature]</u>	<u>24 Mecca Dr. Salisbury Mills</u>
<u>Al [Signature]</u>	<u>24 Mecca Dr. Salisbury Mills</u>
<u>John [Signature]</u>	<u>24 Mecca Dr. Salisbury Mills</u>
<u>Bruce [Signature]</u>	<u>27 Mecca Dr. Salisbury Mills</u>
<u>Christopher T. Byrd</u>	<u>15 Ann Marie Dr. Salisbury Mills</u>
<u>Al [Signature]</u>	<u>7 Mecca Dr. Salisbury Mills, NY</u>

*******PETITION*******

We the undersigned who reside in the Beaver Dam Lake area protest irresponsible and out of control exploitations of our natural resources and way of life. It is our firm belief that the proposed subdivision of the lands of Francis J. Rakowiecki will create a tremendous strain on our environment— especially our water— and adversely change the character of our community.

**WE NEED YOU AT NEW WINDSOR TOWN
HALL WEDNESDAY, JULY 12, 1995 AT 7:30 PM.**

<u>NAME</u>	<u>ADDRESS</u>
<i>E. Reynolds</i>	<i>13 Birchwood Lane, Salisbury Mills</i>
<i>Carol Reynolds</i>	<i>13 Birchwood Ln</i>
<i>Dina Carazza</i>	<i>4 Finley Dr., Salisbury Mills</i>
<i>Paul Carazza</i>	<i>4 Finley Dr Salisbury Mills</i>
<i>George Burelbach</i>	<i>8 Birchwood Lane Salisbury Mills</i>
<i>Ann Marie H. Nieman</i>	<i>10 Anne Marie Dr. Salisbury Mills</i>
<i>William</i>	<i>10 ANNE MARIE DR., SALISBURY MILLS</i>
<i>Kelly A. Nieman</i>	<i>10 ANNE MARIE DR. Salisbury Mills</i>
<i>Jeanne DeLongis</i>	<i>12 Anne Marie Dr Salisbury Mills</i>
<i>Ann Marie</i>	<i>12 Anne Marie Dr. Salisbury</i>
<i>Ann Marie</i>	<i>12 Ann Marie Dr. Salisbury Mills</i>
<i>Ann Marie</i>	<i>10 Anne Marie Dr. Salisbury Mills</i>
<i>Kathleen H. Nieman</i>	<i>10 Anne Marie Dr. Salisbury Mills</i>
<i>James J. Cusack</i>	<i>17 Anne Marie Dr. Salisbury Mills</i>
<i>Ann Marie</i>	<i>17 Anne Marie Dr. Salisbury Mills</i>



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

July 18, 1995

Daniel P. Yanosh, L.S.
P.O. Box 320
Circleville, NY 10919

Re: Tax Map Parcel 57-1-88.2

Dear Mr. Yanosh:

According to our records, the attached list of property owners are within the agricultural district, which is within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, which you already paid in the form of a deposit.

Sincerely,

A handwritten signature in cursive script that reads 'L. Cook'.

LESLIE COOK
Sole Assessor

Attachment
cc: Myra Mason

* Ag. Dist. Parcels within 500 feet of subject property.

56-1-20 has agricultural exemption
Rakowiecki, Joseph E.
Station Road
Salisbury Mills, NY 12577

56-1-21 no exemption
Rakowiecki, Joseph
203 Station Rd.
Salisbury Mills, NY 12577

56-1-22.1 no exemption
Trova, Michael P. & Sharon B.
416 Station Rd.
Salisbury Mills, NY 12577

56-1-22.2 no exemption
Roberts, Chester J. & Diane
Station Rd.
Salisbury Mills, NY 12577

56-1-22.31 no exemption
Schmidt, Albert L. & Johanna
Station Rd.
Salisbury Mills, NY 12577

56-1-22.32 no exemption
Becce, Nicholas & Veronica
112 Dewey Ave.
Albertson, NY 11507

57-1-86 has agricultural exemption
Rakowiecki, Joseph E.
423 Station Rd.
Salisbury Mills, NY 12577

57-1-88.1 no exemption
Roberts, Gary & Kathy
423 Station Rd.
Salisbury Mills, NY 12577

57-1-89.22 no exemption
Margaret Capolino
c/o Capolino, Ilando
Suite 1000, 50 Main St.
White Plains, NY 10601

*Please be advised that this parcel borders the Town line and there may be Agricultural District properties within 500 feet to the south in the Town of Blooming Grove.

BIAGINI

MR. PETRO: Is there any other information that anybody wants to shed upon this board?

MR. KRIEGER: You have got that letter that I sent with respect to Biagini. Do you want to discuss it?

MR. PETRO: I think the bottom line with this and this is with the Rakowiecki subdivision is you kept mentioning the hard look at the SEQRA process, just for the three lot subdivision and how far are we allowed to go with commanding a full SEQRA review or suggesting that. Naturally, if we suggest it, they are not going to do it.

MR. PETRO: Can we require it?

MR. KRIEGER: Yes, what the environmental law says, what SEQRA says at this point first of all you can't ignore, you being the board, you can't ignore things that have come to your attention. Somebody says they are going to do a major subdivision, you can't just say well, we'll worry about that later, pretend we didn't hear that. You have to take that into account. It is possible for them, somebody says well, that is fine but how are they going to do an environmental review on something that isn't concretely proposed? Well, the court of appeals has said that you can do it. Hypothetically, I forgot what the exact words are I put it in the letter. It has to be done and they are apparently considerable case story from the fact that a comprehensive environmental review has to be done at the earliest possible moment. That is now and that is really a change from the old procedure where you are being inclined to say well, it's a three lot subdivision, we'll put off until a later date, this environmental review. Well, apparently there's considerable flurry from the fact that it has to be done at quote the earliest possible moment end quote. So it can't be simply put off. So the other thing is that--

MR. STENT: You're stating that the three lot subdivision has to be done because of the major

subdivision that they are talking about doing.

MR. KRIEGER: If a developer comes in and says yeah, I'm going to do a major subdivision in the future, you can't, you can no longer say well, that is the future and we're not going to worry about it now. Now you have to say well, as long as that is the case then--

MR. PETRO: Let me ask you this though. What if he comes in and says I changed my mind, we're not doing a further subdivision.

MR. DUBALDI: What law is that based on?

MR. KRIEGER: First of all, take them in the order that they were asked.

MR. STENT: What if the landowner says look, there's nothing going on, I'm just doing a three lot subdivision, that is it.

MR. KRIEGER: What will--

MR. BABCOCK: They are electing to access to Station Road with the three lots that they are creating.

MR. KRIEGER: What will happen with respect to that if they simply withdraw that is if they come in later on right after that and say I changed my mind now I do want to do a major subdivision, and that is brought up to a court and an Article 78, the argument is going to be made that that was a subterfuge on their part, the board should have known once they knew about it, they can't just rip it out of their mind.

MR. STENT: So this women is held up from subdividing.

MR. KRIEGER: I'm just telling you what the court cases have said. The other aspects of this because it is adjacent to one of Mr. Biagini's other subdivisions, it creates additional problems. There's some discussion on this point stated on the record there are actually concrete plans to in part in a way tie in this subdivision with that subdivision, at least as far as traffic access and drainage is concerned. That means

that you can't, that is another aspect that you can't just simply say well, we didn't hear that.

MR. PETRO: I think we get the point Andy.

MR. LANDER: The answer to your question, Carmen, it's a combination between statute, regulations and case law.

MR. LANDER: I have been thinking about this traffic study that we asked Mrs. Rakowiecki for the single family house that she's going to put up, I think a traffic study is a little heavy for her, being it's a three lot subdivision, just cause we have a crowd of people come in here and scream that they'd like to lynch Ed Biagini, I mean once you think about it long enough, you say well, it's a three lot subdivision. They are proposing one house on that lot. I mean, how much downstream water is going to be generated by building of one house? I think we can still--

MR. KRIEGER: The problem that you have there is he's come in and said and it was specifically asked by this board to commit himself to not making any changes on lot number one before it was approved by this board and he's come in and specifically said no, he won't agree to that, that leads to the inescapable conclusion that and furthermore he came in and said he wants to preserve his legal rights. That leaves to the inescapable conclusion that he intends or at least will not rule out stripping that lot, clearing that lot once he has it. And the affects of that on drainage and I remind you that there are fresh water wetlands on the site as well, the affect of that on drainage both on this lot and on the adjacent lot would be significant.

MR. PETRO: Ron, the reason we mentioned the traffic study and I agree being just the three lots is going to add two new houses emptying out the two roads into the development there but the problem arises once you create the subdivision now Station Road then is blocked off and that the 34 or 35 homes to be built on lot number one, I believe it was would also have to empty out onto those two roads.

MR. LANDER: They don't necessarily have to empty out onto those roads.

MR. PETRO: Well, they can't have access across the farm.

MR. LANDER: So that subdivision right there is stalled because those roads can't take the amount of traffic that is going to be put with the 34 new houses.

MR. PETRO: If we, again, you follow what I am saying if you create this then later on the traffic study is going to prove--

MR. LANDER: That the roads are inadequate and I think it's his problem again.

MR. PETRO: That is why we're trying to find the access to Station Road. We asked him to plot and leave an easement over there.

MR. A LANDER: They don't want to do that.

MR. PETRO: If they did that, traffic study is not necessary because we have ample access.

MR. LANDER: We know that the roads are inadequate in Beaver Dam.

MR. KRIEGER: You asked before about the effectively prohibiting Mrs. Rakowiecki from a three lot subdivision, had the applicant come in and committed and it was on the map as it was proposed, committed himself to make no changes with respect to lot one which when he does clearing, then it would give you a basis to turn around and say there's no impact on the existing subdivision but his refusal to do that then puts, it puts the board very much at risk with respect to approval without going through a SEQRA process which might otherwise--

MR. PETRO: Do you know if the applicant is working on a new plan?

MR. BABCOCK: Not a word.

MR. PETRO: Any other member?

MR. DUBALDI: No.

MR. LANDER: No.

MR. PETRO: Let's wait and see what the applicant comes up with and maybe the problem will solve itself.

MR. KRIEGE: I was more in the nature, I was not proposing any action be taken, it was more in the nature actually of proposing that no action be taken until these problems are resolved.

MR. LANDER: But do we have a time limit on this application? Isn't there a time limit where we have to make a decision one way or the other?

MR. KREIGER: Yes, there is.

MS. MASON: Didn't they waive that?

MR. KRIEGER: I thought they waived that on the record. If not, that is absolutely correct, that absolutely should be done. Court's have said, have drafted onto that time limit extensions when they are involved with SEQRA and which is another reason for my letter. Aside from the SEQRA there was one other thing that I raised in that letter and that is simply this. There are new, relatively new requirements in the state law for anybody seeking a site plan or subdivision approval and this is anything, minor subdivision, doesn't matter, that notification be sent to active farm operations and agricultural districts which districts are within 500 feet. It is an extra requirement that didn't exist before. It's mandated in the statute that the planning board provide this notice as sometimes happens with state legislators. However, I put this, the process of tracking this legislation and seeing how as a practical matter it would be implemented was in some respects lacking. Specifically, none of the towns that I have contacted, Orange County Director of Planning would have any idea how this is going to be implemented but there it is and the mandate is there. Unless these

people are notified to grant approvals before then according to the statutes, it's a problem.

MS. MASON: They didn't even know how it was going to be worded when I spoke to the County way back a year ago, they didn't even know how to word the notice. We made up a notice on our own.

MR. LANDER: I was just wondering so we get access to Station Road that still doesn't solve the drainage problems. I think drainage there is the biggest item, besides the traffic.

MR. BABCOCK: Yeah, but what I think the whole crux is that if the subdivision has access to Station Road then you can consider it a three lot subdivision with one house that is it when he comes back with the major subdivision or minor subdivision that is when you attack and look at the drainage.

MR. KRIEGER: Except for the fact--

MR. STENT: Based on what Andy's saying, we can't even get access to Station Road because we know that lot one was going to have the 34 lot thing based on the SEQRA.

MR. KRIEGER: He was to make a commitment that nothing would be done on lot one until he got subsequent planning board approval, nothing, no clearing, no subdivision, no nothing. That particular scenario was not recited in any of the cases of the research that I did and although it is therefore new ground if you will, such an agreement would give the planning board a substantial peg, if you will, to hang its hat on in not requiring the level of SEQRA review of the statute.

MR. BABCOCK: At this three lot subdivision and require it the next time.

MR. KRIEGER: Postponing it to the next.

MR. STENT: But the point that I am making, even if they give access in the three lot subdivision to Station Road, we can still not give approval on it because of the 34 lot thing.

MR. PETRO: We don't have to do the SEQRA process as long as we, I think have gone over some of the issues at hand, I think it can still be a judgment call of the board.

MR. KRIEGER: Well, it's always a judgment call. And the possibility of review at least in my mind became significant with the number of persons who were interested.

MR. PETRO: We're not running out the entire process, I'd like to take a look at a new plan and decide at that time, I don't want to make any judgments.

MR. LANDER: Have we heard anything on the litigation on the subdivision right below that? They are having the drainage problem.

MR. KRIEGER: Yeah, it was the Article 78 was decided, they'll receive, if they get around to serving the order with notice, some technicalities, but the decision was that they'd receive a building Certificate of Occupancy for lot number 3 which is what they asked for. But the decision also contained a provision that he had to comply with the builder's agreement which incorporates the maps with respect to lots 9 through 14 and you remember there was a whole separate sheet in the plans of erosion control measures and from what I understand, the large part of the difficulties being experienced by those people have to do with the existing drainage, the catch basins clogging up and so forth which is directly related to the failure to do any erosion control.

MR. LANDER: They had catch basins on lawns. They are not out in the road. They are on people's lawns. They are all over. They are not where they are supposed to be. I mean they have corrected a lot of that but just downstream where they cross the road the water goes over the top of the road, the culvert's only four foot. Mike, he needs an 8 foot?

MR. BABCOCK: Yeah.

MR. KRIEGER: First of all, whatever it has to be cleaned, that is the erosion control because it can be eight and if it isn't clean, it's worthless. So that is number one. Number two, it became apparent during the course of this that what was actually installed in the ground was considerably less, possibly half of what was called for in the plan and so it was inadequate. As a matter of fact, it was working correctly then it wasn't working correctly so I got the double whammy.

MR. PETRO: Is there anything else other than this subdivision that we want to talk about at this time? Can I have a motion?

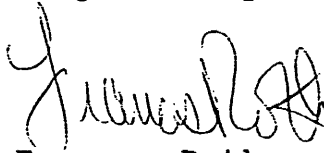
MR. DUBALDI: I move we adjourn.

MR. STENT: Second it.

ROLL CALL

MR. STENT	AYE
MR. LANDER	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

8/2/95

ANDREW S. KRIEGER
ATTORNEY AT LAW
219 QUASSAICK AVENUE
SQUIRE SHOPPING CENTER, SUITE 3
NEW WINDSOR, NEW YORK 12553
(914) 562-2333

July 19, 1995

James Petro, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: Rakowiecki Subdivision

Dear Mr. Petro:

After the last Planning Board meeting in which a public hearing was held on the above referenced application I have done further research on this matter. In my opinion, it is a matter on which the Planning Board must proceed cautiously and it is a matter in which the Town of New Windsor may have some liability.

Certainly, the law, regulations and cases decided in the area of SEQR have made applications such as these far more complicated then they used to be. There are particular aspects with respect to this application that have caused me to take the unusual step of advising the Planning Board in writing.

The facts as I understand them are that a three lot subdivision has been proposed on property owned by Francis Rakowiecki but which subdivision is proceeding on the application of Park Road Construction. On information and belief the principal of Park Road Construction is E. Biagini.

I further understand that the existing parcel contains some wetlands designated by the DEC and that parts of this parcel may drain into those wetlands. The applicant has apparently announced his intention to develop a major subdivision on a portion of the aforementioned Rakowiecki parcel, specifically, lot 1 of the three lots proposed to be created. This applicant has refused to commit himself not to do anything on lot 1 before obtaining the permission of the Planning Board apparently to preserve what he believes to be his legal rights including, but not limited to, the right to clear the land without Planning Board permission.

This subdivision is adjacent to an existing subdivision of Park Road and it appears that this applicant has proposed to connect the instant subdivision to that prior subdivision at least for traffic access and/or drainage of storm, surface and/or ground water.

Once these facts have been made known to the Planning Board it cannot ignore them in its considerations and deliberations.

As you know, it is required by the SEQR laws, regulations and cases that the Planning Board take a "hard look" at the environmental aspects of any project before it. This "hard look" must be taken at the "earliest possible time".

A lead agency is required to consider the cumulative effects of projects other than the one immediately proposed and common ownership of these projects is not necessarily a pre-requisite for mandatory cumulative impact studies. Specifically, it does not appear that cumulative environmental consideration can be avoided merely because the parcel now before the Planning Board is owned by a different party than is the adjacent parcel (Park Road Subdivision). The proper question is whether the subdivisions are "dependent on each other, integrated or devoid of independent utility". It is necessary that the Planning Board makes specific findings in this area especially if it is not going to require cumulative environmental consideration in order to protect the Town against possible liability.

An environmental review of this property can take place even before an actual project is proposed (i.e. an application for a subdivision of lot 1). Such review can proceed on a "conceptual basis through analysis of hypothetical uses".

Areas of concern under SEQR include but are not limited to water run off during and after construction which could negatively impact protected wetland; increases in water usage; potential effects of surface and groundwater quality and quantity; sewage treatment capacity and increased traffic density. Also, since there is drainage into onsite wetlands and the applicant has declined to commit himself not to clear lot 1 there is apparent possible environmental impact which would directly occur as a result of granting this subdivision.

James Petro, Chairman
New Windsor Planning Board

-3-

July 19, 1995

In addition, it appears that this applicant has not complied with the requirements of Town Law Section 283-a for an "Agricultural Data Statement". The requirements of this law appear to be mandatory even for a minor subdivision such as this. Further, this law also imposes requirements on the Planning Board and those requirements cannot be fulfilled without first getting the compliance needed from the applicant. It is urged that no approvals of any type be granted to this applicant before these provisions are complied with.

If you, any member of the Planning Board, the engineer, the Supervisor or anyone else have any questions with respect to this, please let me know.

Very truly yours,

ANDREW S. KRIEGER

ASK:mmt

cc: George Meyers, Supervisor
Myra Mason
Mark Edsall

MYRA:

Please make a copy of this letter for each member of the Planning Board. Thanks.

Andy

ANDREW S. KRIEGER
ATTORNEY AT LAW
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SQUIRE SHOPPING CENTER, SUITE 3
NEW WINDSOR, NEW YORK 12553
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-2-

July 19, 1995

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James Petro, Chairman
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July 19, 1995

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If you, any member of the Planning Board, the engineer, the Supervisor or anyone else have any questions with respect to this, please let me know.

Very truly yours,



ANDREW S. KRIEGER

ASK:mmt

cc: George Meyers, Supervisor
Myra Mason
Mark Edsall

RESULTS OF P.B. MEETING

DATE: July 12, 1995

PROJECT NAME: Rakowicki Sub. PROJECT NUMBER 94-21

LEAD AGENCY:

* NEGATIVE DEC:

M) S) VOTE: A N

* M) S) VOTE: A N

CARRIED: YES NO

* CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

Closed

close P.H.

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Board wants a note on the plan that no building or site work will take place on lot #1 until the problems in Mecca Park are corrected.

Applicant refused the above - Board then asked that the Applicant submit a sub. of Lot #1 before approval of this application

Would like to see the topo on entire property

Check paving of Mecca Dr. by Biagini

Must fill out agricultural forms.

Need Traffic Study for Fenley, Ashley, Lake Rd + Ridgeline OVER



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: RAKOWIEKI (PARK ROAD CONSTRUCTION) SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT (BEAVER DAM LAKE AREA)
SECTION 57-BLOCK 1-LOT 88.2
PROJECT NUMBER: 94-21
DATE: 12 JULY 1995
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF A
151.7 +/- ACRE PARCEL INTO THREE (3) SINGLE-FAMILY
RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY
REVIEWED AT THE 25 JANUARY 1995, 22 FEBRUARY 1995,
26 APRIL 1995 AND 24 MAY 1995 PLANNING BOARD
MEETINGS. THE APPLICANT IS BEFORE THE BOARD FOR
A PUBLIC HEARING AT THIS MEETING.

1. As previously noted, the Applicant has responded to each of the previous comments from my technical reviews of the subdivision.

One issue which is in some dispute is whether restrictions should be placed on Lot 1 with regard to grading of that lot. In my previous review comments, I acknowledged that Lot 1 was intended for a single-family single house at this time, with potential for future development. I recommended that the Board consider restrictions with regard to any grading of this lot (beyond that associated with the single house), until such time that a comprehensive drainage analysis has been completed and a soil erosion and sediment control plan has been completed (with an application to DEC made, as necessary).

The Applicant's surveyor indicates his opinion that since only a single home is proposed, no such restrictions are "called for".

**RETAKE
OF
PREVIOUS
DOCUMENT**

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* CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

Closed

close P.H.

WAIVED: YES NO

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DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

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Access to station rd.



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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PAGE 2

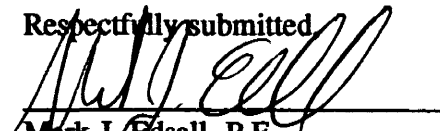
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I disagree with the Applicant's surveyor in that no protection would exist between the time this approval is granted and the time an application is made for a subsequent subdivision, unless restrictions are established at this time. In as much as it is my understanding that numerous complaints and problems have been noted adjoining this subdivision and, further, it is my understanding that grading of Lot 1 would likely exacerbate this situation, I reiterate my position that the restrictions are appropriate.

2. Other than the concern noted above, I am aware of no further outstanding issues with regard to this subdivision application.

Should the Planning Board become aware of any additional concerns as a result of this Public Hearing, or they believe further investigation is required of any previously identified item, I will be pleased to review same, as deemed appropriate by the Planning Board.

Respectfully submitted


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:RAKOW6.mk



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

1763

July 28, 1995

Honorable Nancy Calhoun,
Assemblywoman
2011 D Street
New Windsor, NY 12553

SUBJECT: PLANNING BOARD MINUTES FOR
PUBLIC HEARING REGARDING RAKOWIECKI SUBDIVISION

Dear Assemblywoman Calhoun:

As per your request, please find enclosed a copy of the Planning Board minutes dated 12 July, 1995 as they pertain to the Public Hearing for the Rakowiecki Subdivision located in the Town of New Windsor.

If you require any further information, please feel free to contact me at (914) 563-4615.

Very truly yours,

Myra L. Mason
Myra L. Mason,
Secretary to the Planning Board

MLM

July 12, 1995

7

REGULAR ITEMS:

RAKOWIECKI SUBDIVISION (94-21) STATION ROAD

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: Do we have a proxy in the folder for Mr. Yanosh?

MS. MASON: Yes, we do.

MR. PETRO: This is a public hearing. What we're going to do first is the board is going to hear the presentation, obviously you'll be here to hear it also. There won't be any questions at that time. After the board has reviewed it, I'll open it up to the public and at that time, you can raise your hand, be recognized, state your name and address for the stenographer. We'll go over this again when I open it up. But for right now, the board is going to review it, the public hearing is not open at this time.

MR. VAN LEEUWEN: Has the house been deleted that was planned for the lot that you people are purchasing?

MR. YANOSH: This one up here?

MR. VAN LEEUWEN: Yes.

MR. YANOSH: No, I can't delete it.

MR. VAN LEEUWEN: But you put on the plan note on the plan that you will not build on the land.

MR. YANOSH: No, I haven't done that.

MR. PETRO: Why don't you make a presentation.

MR. YANOSH: Mrs. Frances Rakowiecki is the owner of 151 acre parcel of lands that front on Station Road where her existing driveway comes into her barn. It also fronts on Ashley Court and Finley Drive. The proposal right now is for three lot residential subdivision. Lot number 3, I'll work backwards, lot

number 3 is going to be fronting along Station Road, single family house for that there. That is going to have 18.892 acres of land. Mrs. Rakowiecki is going to retain the ownership of the majority of the property, 97.12 acres, going to have an existing house and barn and silo that is on there now and remaining 34.41 acres off Ashley Court or Ridgeview or Finley will be sold, subdivided and sold off. What we have to do, for Planning Board purposes, we have to show a proposed house for lot number 3 and show proposed house for lot number one, we can't file the map.

MR. PETRO: Would you address the board instead of the public, please?

MR. YANOSH: We have to show that house on there for the, in order to file the map to show yes, the lot is buildable. The other question was whether we put a note on here about the restricted uses of lot number one, we discussed it at last month's meeting.

MR. PETRO: Being what?

MR. YANOSH: No clearing and no building on that lot until the other problems are actually, in Mecca Park subdivision, have been cleared up. My client wishes not to put that note on the plan. He feels it's an infringement on his rights. This is Mrs. Rakowiecki's subdivision, it has nothing to do with this subdivision here that is being built.

MR. PETRO: When you say the other problems with the other subdivision, what do you mean the other problems?

MR. YANOSH: There's some drainage problems along Mecca or Park Road that goes up in through here and there's some problems about the drainage and some houses that were built already.

MR. DUBALDI: How are the drainage problems going to affect the site?

MR. YANOSH: This site has nothing to do with this site here, is totally independent of this site. Our driveway for this lot number one coming in off

Ridgeview Road coming right here, put a house up here on top, there's plenty of distance. Any improvements that are going to this, this house or this septic or driveway will not affect anything of the Mecca Park subdivision.

MR. PETRO: What we need to determine though, Dan, is just because the map shows that it is not affecting this, I want to see topo and drainage here. It looks like some of the topo is going down towards Ashley Court. So some of the drainage may have an affect on that and we have to determine that. Mark, do you have anymore studies done?

MR. EDSALL: We haven't had anything new submitted.

MR. YANOSH: Again, you're looking at one lot, one house on 34 acres. Very difficult for me with the size of this and the way it's laid out we have roughly from the edge of the septic to the property line 85 feet, any lots here that came of Ridgeview or the other roads down below, we have 300 feet, which is more than ample room for anything else to not affect any type of construction. Again, this is one single family home that would have no adverse affect.

MR. PETRO: Basically, right now it's going to be a three lot subdivision, one lot of which was, there's already a house, there's going to be two other lots created of which should be plotted I see two other homes. So it would be three homes on the entire 151 acre at this time. But your client is also, I would assume, at some further point wants to subdivide the remaining parcels.

MR. YANOSH: Correct.

MR. PETRO: We had asked that you not do that and put a note on the map stating that there'd be no further subdivision until other problems, other problems including what you talked about, I think there is a few others be cleared up. You stated earlier your client does not wish to put that on the map or will not put that on the map. Do you want to clarify that?

MR. YANOSH: We know that in order to get your approval for any other subdivision of lot number one, we have to come back to the board. We've got to go through all the planning statements and answer all your questions concerning the drainage and the wells and environmental aspects and the wetlands area and things like this. That all has to be addressed. We understand that. No matter how we proceed on this lot number one for future subdivision, it's still got to come back to you. And we understand that. Yes, we will not get an approval for anything else done on this piece of property until all the other drainage is addressed and everything is taken care of.

MR. PETRO: What's the problem with putting a note on the map so it clarifies it for everyone?

MR. YANOSH: The one note that you wanted he could not do anything with this lot at all.

MR. VAN LEEUWEN: Correct, we don't want to add any problems to the existing problems already there and I explained it to you at the last meeting. And if that is the way it's going to be, you can leave the house on there, you don't get my vote.

MR. PETRO: The attorney would like to say one thing.

MR. YANOSH: The house has to stay on, I can't subdivide it without putting a house.

MR. VAN LEEUWEN: We want something that states you will not build on the lot until the problems down below on Ashley Court have been straightened out. That is what I suggested to you last meeting.

MR. PETRO: You can plot the house but you don't need to build it.

MR. KRIEGER: Subsequent to the, following the last meeting, some research and checking that I have done with respect to the State Environmental Quality Review Act indicates at least a strong possibility that in view of the fact that this applicant has an announced intention to further subdivide these parcels, that the

SEQRA review that would attend such a subdivision must be conducted before this subdivision, not after it. It can't be put off until some later application. Not if he has indicated a clear desire to subdivide in the future, it's got to be looked at now before this, for the approval, that has to do with drainage and traffic. He's indicated that he is going to further subdivide lot one and considering SEQRA review in connection with that subdivision at that time as differentiated from this is something that is referred to as a segmentation and it is a practice that is specifically prohibited by the SEQRA regulations.

MR. PETRO: All the applicant would have to do is change his mind and say he's not going to further subdivide the lot and he doesn't need to do that process.

MR. KRIEGER: Once doing that, he can't then come in and subdivide the lot, that subterfuge will not be tolerated by a court so all those questions that you are raising with respect to, particularly with respect to drainage, what I am saying is my checking of the SEQRA law indicates that under SEQRA, has to be addressed now, it can't be put off.

MR. PETRO: On the entire parcel or lot number one?

MR. KRIEGER: Any parcel that he intends to further subdivide which would be if I understand what the representation has been saying, would be one and two at least that is part of this.

MR. PETRO: Do you have any comments?

MR. YANOSH: I'm not up to date on the SEQRA law, I'm not an attorney but my statement is the applicant and the record owner is Frances Rakowiecki, Mrs. Rakowiecki has not made any application to this board or made any tape of statement saying she's going to subdivide her property, she intends to sell that property to somebody else, two different applicants, two different people, I don't think would fall under that jurisdiction.

MR. KRIEGER: Since the town has liability in the event

that that has been done, then I would say this, if the applicant believes that the segmentation provisions of SEQRA do not apply to him, then he should be prepared to provide the town with adequate assurance to that effect, since the penalties for disobeying the segmentation provisions are severe and they'll be directed toward the town. So I am, I understand the applicant is fine, as far as the applicant is concerned.

MR. YANOSH: Like I say, this is a three lot subdivision for Mrs. Rakowiecki. Again, I think we talked about this at the last meeting about segmentation, I guess from one person to another, Mrs. Rakowiecki has the intent of just selling two lots, lot one and lot number three. Lot three goes to a relative of hers, that is what the subdivision is for. Again, we have showed you that. The buyer of lot number one I should say has intended, we showed you up front what we--

MR. PETRO: Intended buyer being Mr. Biagini for lot number one?

MR. YANOSH: Yes.

MR. KRIEGER: All I'm doing is advising the board that failure to look into these items now before this lot subdivides exposes the town to potential liability and let me put it this way, it doesn't so far as I can see other than use of the property necessarily expose either this applicant or Mr. Biagini to liability, it exposes the town to liability and I'm simply cautioning the board before it is given final approval, caution should be exercised in that area because of the potential liability.

MR. PETRO: So we move forward or we don't?

MR. KRIEGER: You can move forward to the extent of having a public hearing but I'm indicating that that matter should be resolved prior to any approval being granted.

MR. PETRO: Whether there is going to be future

subdivision or not, whether we should do the complete SEQRA process at this time or later time, when the application comes back, we need to determine that.

MR. KRIEGER: Correct and if the determination is made however much in good faith it may be, if it's made wrong, then the town is exposed to liability in that regard, no one else, the town, it's the town's liability. And it could be considerable.

MR. PETRO: Gentlemen, you all heard that statement. I also have fire approval on 6/14/95 and water approval on 6/21/95. I want to get back to the topo lines again. You're telling me none of this property at all is going down towards Ashley Court?

MR. YANOSH: It drains that way, the topo lines come down that way but I'm looking at a 300 foot area from one to the other, which is quite a ways.

MR. PETRO: 300 feet out of 151 acres.

MR. YAHOSH: Out of 34 and we have a whole site. Now if I can guesstimate out of this chunk here, top of the ridge to the top of the ridge here, a quarter of this lot maybe, so maybe ten acres altogether right now presently goes towards Ashley Court and Mecca Drive naturally.

MR. LANDER: But it goes that way in a hurry.

MR. YAHOSH: It's a natural runoff, just the way it is today, yesterday, when it rained, natural drainage is that way and the inclusion of one house and just a grading for septic system and putting a driveway through there we're 300 feet away. We're not building condos, we're not doing nothing. We're talking one house. I agree with your concerns later on, future drainage we can discuss that then.

MR. PETRO: The ending of number one in your comments, I disagree with the applicant's surveyor in that no protection would exist between the time this approval is granted and the time an application is made for a subsequent subdivision. Can you just expand on that a

little bit or is that very similar to what--

MR. EDSALL: Well, it's related to one of the items that the board has been discussing. The board had asked that grading and such be limited on lot one in such time that a complete plan is submitted. My concern is that if in fact this three lot subdivision was approved, there's no protection to prohibit them from doing any grading that they may just desire to do as a single lot.

MR. KRIEGER: Prior to submitting.

MR. EDSALL: Once they make an application to the town for the subdivision, then the town would have control over restricting grading or clearing of trees or anything else up till the time they make a subsequent application. We have got no control unless this board as part of this application, established restrictions. So I believe that if it's a concern, the restrictions should be placed on this subdivision which of course can be lifted once they make a subsequent application.

MR. PETRO: That is once the new application is made up until the, until that time what about if there's no application made at that time, he can go there with a bulldozer, you have a house.

MR. EDSALL: At this point, they have an application.

MR. PETRO: He can withdraw the application, get a bulldozer and do whatever he wants.

MR. EDSALL: I don't know that once you make an application you can do that.

MR. VAN LEEUWEN: Once you make--

MR. PETRO: Withdraw that application.

MR. EDSALL: That would be an interesting case for the judge to listen to.

MR. KRIEGER: I might, if I may, Mr. Chairman, also add Mark's concern is exactly why I believe the SEQRA law

mandates full environmental review at this point for precisely the point that he is bringing up. A person owning this lot if it were to receive approval for a one lot subdivision could do any grading that he wants to before making a subsequent application. So, if you have a SEQRA review and subsequent application as a matter of fact your hands may be tied because they walk in and say well, that is the way it is. And that is where you start from. So the appropriate point to look at that is now before any grading has been done, not later after it is graded in the manner that he wishes and then presents to the board.

MR. PETRO: No building of any kind or grading of any kind on the lot.

MR. KRIEGER: So far the applicant whether that would solve the problem, I'm not prepared to say one way or the other, but my understanding so far the applicant has refused to do that so it's a moot question.

MR. YANOSH: You're looking at if I put the house up here at the top of the hill on the other side of the ridge, there's still going to be a problem with it, correct?

MR. VAN LEEUWEN: Correct.

MR. PETRO: I think the board feels that nothing should be done on the lot at all, period. I don't think there's any gray area, I think that is as plain as I need to say it.

MR. YANOSH: Until when, what time?

MR. PETRO: Until what time?

MR. VAN LEEUWEN: Until you come in with further subdivision.

MR. YANOSH: Let's say I find a buyer for 34 acres to put a horse farm, am I stuck then? How can I legally do that? Say sorry, you can't put a house because the planning board says I got to--I can't do nothing.

MR. VAN LEEUWEN: We all know that is not your intention, let's face facts, you gave us a general idea what this is going to look like. We know what the future plans of this is going to be and I'm sure that you are not going to sell this for a horse farm because you won't get your money out of it. That is no problem with me, as far as I'm concerned, my problem is Ashley Court and these houses down below, that they are protected for the time being. I don't want to see any building, this land disturbed until you come in with a bonafied application and we'll take it from there.

MR. YANOSH: If I was to come off Finley Drive and put my house in this section over here which isn't even close to drainage.

MR. VAN LEEUWEN: You can put the house on the moon, I won't change my mind.

MR. YANOSH: You're looking at protecting this.

MR. VAN LEEUWEN: Cause I know what happens, first thing you see driveways you see building up there then water runs down the driveway on to the street.

MR. STENT: The problem he's facing is you can get in there with the one house and keep clearing land and land and land without any restrictions applying.

MR. YANOSH: Then again, it's a restriction if he does want to build, let's say it does happen, you can't bind a man on that restriction.

MR. VAN LEEUWEN: If he does want to put a horse farm there come in and see us and talk to us, we have no problem.

MR. PETRO: Let me ask you this, what if, and I'll address this to Mark and Andrew also, if this application got far enough along where it was about to receive final approval for the three lot subdivision, what if at the time it was granted that a new application was made for a further subdivision, therefore opening up an application before the board and by law, you couldn't do a thing on the property.

MR. YANOSH: I can discuss that, sure.

MR. PETRO: It would coincide with the other application being closed out.

MR. BABCOCK: This way we're not without an application.

MR. PETRO: But I want to make it clear to the applicant and this man here that by no means is that inferred that the board is going to welcome or go along with any new subdivision with open arms. We'll review it in our full capacity.

MR. VAN LEEUWEN: Just too many problems in that other subdivision.

MR. PETRO: Does everybody know what I just said? There will always be an open application.

MR. YANOSH: Again, I can't speak, again, we have to talk to our counsel, you have counsel here today.

MR. PETRO: We'll address that again but that is just one item, we also have Henry's idea that a note be put down that nothing be done to the lot whatsoever.

MR. EDSALL: Before you do that, maybe a couple points to clarify might help the board and some of the people that are here. Some people may not know, I'm sure many do, that there's the litigation that is ongoing and in discussions with the supervisor today, he wanted me to make it clear that in fact the reason why the town is pressing the issue is that they attempted to work some agreements out to resolve the problems and obviously, it was unable to be resolved, other than moving forward with the litigation. Second issue relative to concerns regarding wells, the board had indicated that our review does not include sanitary and wells for major subdivisions. If in fact lot one is further subdivided and in a future application and it's a major subdivision under the state realty law, Orange County Health Department reviews that. The health department obviously will look at sanitary and wells and the

supervisor and I'm sure in cooperation with this board is very willing to send on the concerns regarding well capacities, wells that have failed so that the health department is aware of that when they initiate any reviews. So it's not that the town is avoiding the issue. We don't have the jurisdiction. We technically by law are not the people reviewing it. But we will in fact pass on the concerns and anyone who has any specific problems with wells, data about redrilling wells, well failures, that information should come to the town as part of any subsequent application. So we're aware of it and we can possibly package it and ship it off to the health department maybe that will help.

MR. PETRO: Through the supervisor's office.

MR. EDSALL: That might help educate the health department on a specifically problems.

MR. PETRO: Thank you for addressing the wells. At this time, I'm going to open up the public hearing. Would you please raise your hand, I will recognize you, state your name and address for the stenographer. On June 26, 1995, 26 addressed envelopes containing attached notice of public hearing with the certified list provided by the assessor regarding the above application was sent out. Signed 26th of June, 1995 by Deborah Green, notary public. Is there anyone here that would like to speak?

MR. VINCENT ARANEO: 15 Ridgeview Road, Salisbury Mills. I have before you, and this is just a tip of the iceberg, a petition and if you will just bear with me a second, I'd like to read two pages of it, very brief. This has been signed by approximately 150 residents so far we still have more coming in of the Beaver Dam Lake area and it reads we the undersigned who reside in the Beaver Dam Lake area protest the irresponsible and out of control exploitation of our natural resources and way of life. It is our firm belief that the proposed subdivision of the lands of Frances J. Rakowiecki will create a tremendous strain on our environment, especially our water and adversely change the character of our community. This has been

signed by approximately 150 residents. And I have a cover letter addressed to the Planning Board of the Town of New Windsor, requesting the following. Number one, as Mr. Krieger had so dutifully stated, the SEQRA, I don't know the legal term of what it is and what it involves, we also want a positive declaration, we want to make sure our area stays nice the way we want it to stay and not be created into a jungle like this proposed subdivision will do. We also want to a traffic study done of all the roads in Beaver Dam. Right now, the roads are just what the flow of traffic that we have now, the roads are unsafe. We have had almost near fatalities just on Mecca Drive alone and with the increase in the subdivision that we all know is going to come about because it's a matter of public record that we have it right here because it's in the planning office of a 37 home subdivision, the roads cannot take the increased amount of traffic and people. We also need a DEIS, a draft environmental study. We feel that this project will have a negative affect on our community and the environment, which is why we'd like to see all these tests done, a complete environmental impact statement and drainage study is essential. Also we would request that no approvals go through without all these studies being done and completed and ask that you send copies of these studies to the following addresses on the petition so that copies can be made and looked at by the people in our community. And it's signed by the members of the Beaver Dam community. We'd like to address this to you. We'd like to see all these things done before any kind of land development is done. And you have a lot of outraged people out here just going around getting petitions signed, people running out of water, and this is just since the Mecca Drive subdivision has gone in, people running out of water, wells running dry. People have to get everything redrilled, I'm sorry, we can't live like this. We're entitled as individuals to have water. We're entitled to have sewer, which we do have, it's a way of life we can't do without it. If the subdivision is in, you're talking enormous burden on everybody in this room as far as getting wells redone and if the subdivision is this big, I think that the town should look into having community water. I'd like to give you this petition.

MR. PETRO: One thing and everybody in the room should realize also which I think you certainly do, that I'm not quite sure that this is the correct meeting for this particular outcry, only because this is a three lot subdivision. I know you're trying to head it off at the pass, you're very concerned and if we down the road come to a major subdivision, obviously these are concerns that will be looked at, not just because your letter is asking us to. These are things that are normally done through planning board process and because you're concerned. But there's no, this particular application only is to divide the 151 acres into two more parcels. There's already one, we're going to add two more, that is what they are requesting to do. Does everyone understand that? We're not agreeing or looking at any subdivision whatsoever, we don't even want him to put one house there so 37 we're not even in the ballpark. I just wanted to make that clear. The second thing I want to bring up and I say this pretty much at every public hearing, usually not what everyone wants to hear, but I am a resident of the town myself, that if any one of you in the room came in and had a parcel of property and wanted to build a house on it or it was legally able to be subdivided and put two houses or three houses, you met all the criteria and the codes, we're compelled to go through the normal process and the correct process but you have a right to do so. We understand there may be a problem with wells, Mr. Edsall mentioned that the health department will look at it. But everyone has a right to develop their property. I know you say the roads and you have other problems but these people have been paying taxes on this property also, Mrs. Rakowiecki owned it for 50 or 60 years, I don't know how long, I'm just picking a number but they do have a right the same as you have a right to build on their property. As long as it's in the proper manner that is set forth by this board and a lot of times and everyone, I say this all the time, the planning board does not say yes or no but how. So keep that in mind when you're addressing us and you want us to take an action that the applicant has a certain right, the same as the people in this room and myself.

MR. STEVEN SEGRETI: My name is Steven Segreti, I live at 7 Forest Lane and I have a question as to the statement you made before you opened the floor. You said that the application that we're talking about would be approved if it was approved as long as there was another application filed at the same time, which would eliminate anything from happening to the land until the second application.

MR. PETRO: That is an idea. I don't know whether it's good or bad, just something I threw out.

MR. SEGRETI: In that scenario, if the second application was declined or refused, would the first application have to go ahead with that, would they be able to put that house?

MR. PETRO: I didn't think that far ahead so maybe my idea is invalid, just an idea I threw out to try and move the thing along. That is a very good point, if it is declined, what would happen to the first?

MR. SEGRETI: Would they be able to put the house and make the driveway?

MR. PETRO: Maybe that is why Mr. Van Leeuwen's suggestion is better that there be a note on the plan then the applicant is going to ask for how long so we'd have to iron this out. I think we're basically in the same understanding that we really don't want anything to happen with that property until we get some of the other problems resolved. The manner in how we're going to accomplish that is unclear to me at this time.

MR. ROBERT WITT: Robert Witt, W-I-T-T, 7 Hillcrest Drive, Salisbury Mills. When you, Mr. Yanosh, was talking, he was discussing that corner property up there and talking about putting a house on there, how is he getting into that property?

MR. VAN LEEUWEN: Off Ashley Court.

MR. BABCOCK: There's Ridgeview, going in from Ridgeview Road, that is what he is proposing.

MR. WITT: He proposes to put a driveway but there's no driveway there, there's no access there.

MR. BABCOCK: No, there's no access.

MR. WITT: His access is on Station Road, unless he gets permission to come over on our roads, once he puts a house there and gets it connected over there then he's got the whole acreage open onto our roads but right now, nothing is over there.

MR. YANOSH: I think what he is saying Ridgeview Road does abut our property. The end of Ridgeview Road abuts our property along with the end of Finley Drive, both of those roads end right at Mrs. Rakowiecki's property line so we do have road frontage on Finley Drive and Ridgeview Road so Mrs. Rakowiecki can walk up Ridgeview Road and walk right onto her property without trespassing on anybody else's property.

MR. DUBALDI: Are those private or town roads?

MR. YANOSH: Town roads.

MR. VAN LEEUWEN: They have been taken over by the town?

MR. BABCOCK: Yes.

MR. YANOSH: Town roads so also with Finley Drive also the end of the road town owns right now borders on Mrs. Rakowiecki's property. That is why we propose a driveway to come over Ridgeview. Originally, we had a driveway off Ashley. We revised that to revise the drainage, it's a small driveway coming off.

MR. PETRO: I think you have answered that.

MR. PHILIP LACAZIO (PHONETIC): Phillip Lacazio, Salisbury Mills. What you're saying about if somebody comes in with a parcel and they bring everything in front of the board that is legitimate, there's no reason they shouldn't be turned down? Mr. Biagini has been brought up on numerous amount of charges, many numerous amounts of years. So right then and there

nobody's a fool, we all understand that things happen. And with Ashley Court, his daughter lives on top of that hill, so if they got to get the okay on this side or this side, she owns the property. They are going to get it. There's no way we have anything to say on this, do we?

MR. VAN LEEUWEN: Sir, can I answer that a minute? That is the reason why for the time being, on this three lot subdivision, we don't want anything done on lot number one, no houses, no bulldozing, no clearing of the land. We want it exactly the way it is until we get the problem solved on Ashley Court, Ridgeview, that whole area.

MR. LACAZIO: I understand that there was also a stop work order put on Park Road which the Mecca Park development he's still working there every day so explain that.

MR. PETRO: Mike, you can address that.

MR. BABCOCK: Stop work order is not on the complete project, it's only on one house.

MR. LACAZIO: He's working on that house.

MR. BABCOCK: I'm not aware of that.

MR. PETRO: Building inspector will be there.

MR. LACAZIO: I live right there, I'm telling you what's going on.

MR. PETRO: I think everyone again I want to, I'll keep putting my two cents in as we go along here, that three lot subdivision actually I say two new lots, there's already one existing on 151 acres, normally isn't a very complicated, hard process. And we're really taking a hard look at this, which is obviously in front of you tonight because there are ongoing problems and there's been problems and that is the reason that you see what's going on so we're not just saying well, it's a three lot subdivision and we're going to fly through this. We're taking a very good look at it.

MR. BILL FEUERBACH: My name is Bill Feuerbach, I live at 8 Finley Drive. My property abuts against this section one here. I would like to research a technical problem and would like the board to advise me how I might be able to do that. I live on what's called the Finley subdivision and that town road, well that 50 foot right-of-way theoretically was given to the Town of New Windsor as a road sometime back in the second or third quarter of 1972. What I would like to know is whether Mr. Finley put any restrictions on the use of that road because it as cul-de-sac, that in fact that cul-de-sac may not be opened and I wonder whether those records are in Goshen or New Windsor or where I might be able to find them or has this board addressed that?

MR. KRIEGER: Well, I think if I were in your shoes, the first thing I'd do is look at my own deed to see.

MR. FEUERBACH: It's not on there.

MR. KRIEGER: I didn't say it was the last thing I'd do. It's the first thing I'd do. The existence of restrictive, what we call restrictive covenants in deeds, restrictive covenants in deeds and you would have to then after looking in your own, find the deeds of the other owners that abut Finley Drive. To do that, you'd have to obtain the deeds or at least be able to look at them and in the records of Orange County Clerk, all deeds become public record when they are filed and almost all deeds are filed so I have a strong feeling that you would find in the records of the Orange County Clerk those other deeds. That would enable you to look and see if there was a restriction that is the first part of your problem. Second part of your problem is whether or not when this became a public road as I'm told it did. I have no personal knowledge of that, but I'm told it became a public road, whether that obviated any of those restrictions, you don't find any restrictions. There's nothing to obviate. If you do, then the question becomes whether it was obviated and actually in connection with the first question, if you find a restriction in some of the deeds, but not all of the deeds, then that becomes a legal question as to the effect as to its binding

effect and the resolution of that question will depend on the facts as you determine them to be. And it would have to be an educated estimate of what a court would do if it were submitted to a court, it not having been submitted to a court, such a conclusion would be academic. But that is how you would start.

MR. LANDER: Would the town take over or take over that road if there was a restriction on it?

MR. KRIEGER: Probably not. I can't testify as to what was actually done. But according to the custom and usage, probably not.

MR. YANOSH: The only point that I would bring up is the filed maps for the Finley Road subdivision and Ridgeview Road and I know Ashley Court and Mecca Drive subdivision, I know it's planning, I know they made the applicant extend Ashley Court and leave a right-of-way to get into this property. I think it's a good planning standpoint. I know Mark can back me up, whenever you do a subdivision, you can never make a connector road to another piece of property in order to make it expand. It's better off, you're going to be if you pull a copy, I have got a copy in my office of the Finley Drive subdivision, look at the filed map and if you went through the records that Finley Drive subdivision was approved probably minutes on file that says the planning board at that time wanted to make that a stub street to make sure if somebody wanted to develop this, bring a road maybe all the way to Station Road when we proposed this subdivision here on my plan, if anybody looked at it, we left a stub road coming this way, hopefully to relieve traffic from a planning standpoint, that they would, if you can extend your road to the end of the property from a planning standpoint, you can do that.

MR. PETRO: Someone else want to speak on a different item?

MR. ARANEO: With the track record of Mr. Biagini and I know we don't really have to go into how many times he's been cited, et cetera, not only building code wise but environmentally wise, with the Mecca subdivision,

and breaking the dam that was on the Mecca property, et cetera, and just getting a slap on the wrist, but there are many, many items that haven't been addressed in Mecca Park yet. First of them being and it came out in the minutes of the board that they were supposed to pave Mecca Drive, the old portion, not the subdivision portion of it, he was supposed to pave that before he even did the subdivision at Mecca Park. But the road still is not paved to this day.

MR. PETRO: Mike, is the road bonded, is that why it wasn't done?

MR. BABCOCK: If you are familiar with Mecca Drive, it goes in, it was a dead-end cul-de-sac and he extended it. This gentleman is saying is the existing town road is what Mr. Biagini was supposed to pave.

MR. ARANEO: That is correct.

MR. BABCOCK: I'm not familiar with that. I know that there was some talk about Park Road, bringing Park Road up to some standards.

MR. VAN LEEUWEN: We have to go look back at the approval.

MR. PETRO: Gentlemen?

MR. ARANEO: My question being with his track record as it is, why in the world is the town continually letting him build?

MR. VAN LEEUWEN: We can't stop him.

MR. PETRO: Number one, we're not approving any building tonight at all. I mean, we're not even looking at it. We have to talk about this particular application. Also, I know you're bringing up the other Mecca Drive subdivision because I guess it relates to this and I understand that it does, but I want to, we have to keep our focus that this here application is by Mrs. Rakowiecki, all right, you follow what I am saying? This has--Mr. Biagini hasn't made this subdivision.

MR. ARANEO: I wouldn't care, it could be by me, but you have a builder that doesn't give a hoot about anything but himself and what goes into his pocket. He doesn't care about me. He doesn't care about you and he doesn't care about anybody on the board. He will put up whatever he wants to and he will take a fine on his wrist, just to get whatever he wants and we're sick of it.

MR. PETRO: I don't know whether--

MR. ARANEO: Have you been down to the Mecca Drive subdivision?

MR. PETRO: Yes. He has litigation against him at this time so to me, that doesn't mean he's getting what he wants.

MR. ARANEO: Have you looked at the Mecca Drive subdivision? Isn't that a horror? That is a sore in anybody's eye and as the planning board, I think you should be ashamed to even approve anything.

MR. PETRO: I have been down there.

MR. VAN LEEUWEN: Sir, all we can do is sit here and you said we should be ashamed but all our rights are here to do is look at the map, approve what's on the map. We have nothing to do with what happens afterward. But let me say one thing to you. I'm glad you brought it up. We're going to have it researched, if he's supposed to finish that road, believe me when I tell you, it will get done, one way or another. But if people, the people do not bring it up to us, the building inspector can't know everything, the engineer can't know everything because it's a large town and we can't know everything but if people bring it up to us, we can do something about it. We don't know what's going on. We have no idea. We're going to check it out and as a board, we'll go down and visit the site, we'll take a look at it. And believe me, if it's the way you say it is, don't worry, it will get done.

MS. JANET RAKOWIECKI: I live at Station Road,

Salisbury Mills. I'd like to know if there's any other builder involved in this three lot subdivision, if they'd have to go through the same amount of crap that is going on here tonight? Why should Mrs. Rakowiecki have to go through this. This is 151 acre farm you're talking one parcel, the other two remaining parcels are going to be, going to remain in the hands of a relative of hers. Why does she have to take 37 acres and go through all this? Any other builder that had 37 acre parcel of land, would they have to go through the same thing she's going to go through? Is it just because of Mr. Biagini? Unfortunately, he has done something to these people that is not nice and they are outraged about it and we can understand that. But why should it be taken out on a 70 year old woman who's living on social security and cannot afford to pay the taxes? Does anybody else but Ed Biagini, would they have to go through the same thing?

MR. VAN LEEUWEN: Yes, ma'am.

MR. PETRO: I'm going to let the attorney--I can close the public hearing at any time, so let's keep that in mind.

MR. VAN LEEUWEN: The reason is that the problems are below that piece of property.

MR. KRIEGER: Unfortunately, the world in which we live in in 1995 is a far more complex one than the one we lived in just a few years ago. There are legal requirements imposed on this board, not by this board, not by the Town Board, but by the state which any applicant has to comply with just a few years ago, they didn't have to comply with, these aren't things that are created by the planning board, but these are things that are handed to them by the state and they are required by state mandate to adhere to them. So the questions that are being asked with respect to this and with respect to future development which you heard me speak sometime ago about, it isn't a question of whether it ought to be that way, it isn't a question of whether a particular application is fair or not and I'm taking no position on that question. All I'm saying is that is not the pertinent question. The question that

this, or the task that this board faces is to comply with the law of the state in its infinite wisdom has handed to it, it has no choice and the fact that it has to go through these concerns is something that it would be required of it, whether a majority of the members or any of the members wanted to or not. They have no choice. It's state law.

MR. RICHARD FREED: My name is Richard Freed, I live at 17 Ridgeview Road in Salisbury Mills and basically, as I understand this right here and right now, this map right now at this meeting tonight is going nowhere, am I right?

MR. PETRO: We don't know that, sir.

MR. FREED: At the present time, in other words, so this map is still open to discussion?

MR. PETRO: Absolutely.

MR. KRIEGER: This is the application.

MS. DINA CAVAZZA: Dina Cavazza, I live at 4 Finley Drive and that lot number one if it is cleared, there's a lot of land back there, all the trees once they do that, the construction that they eventually will do where is all that drainage going to go? And there's a lot of wetlands back there, what's going to happen in there?

MR. PETRO: That would be further reviewed, extremely reviewed under the next process once that land is subdivided. At this time, the land is not being subdivided. That parcel which you're calling lot number one is not being subdivided.

MS. CAVAZZA: But if they clear all the land in lot number one, what's going to happen to the drainage when all the trees are gone?

MR. PETRO: Well, we're, that is what we're trying to avoid is any clearing or any construction on that lot at this time until we have further reviewed the studies and litigation is over.

MS. CAVAZZA: It's just a real concern to me.

MR. PETRO: It's a concern to the board, that is why we're doing this whole process, that is why we're reviewing it.

MS. CAVAZZA: I'm also concerned because I have two small children that play on that road with me and that is a cul-de-sac and I don't think that a cul-de-sac should be destroyed when there's a great entryway through Station Road. Why they go through two other roads when the bulk of the property is from Station Road, they are entering this, this land starts on Station Road, why doesn't it begin on Station Road? Why do they have to take away two cul-de-sacs? Why can't they go through Station Road?

MR. PETRO: Again, once again, in the future development of the property and there was a traffic study done, we would review that and the best case scenario would prevail, unfortunately, Finely Drive is a town road, it seems to be a town road and if it could be utilized and needed to be utilized, it could be. We couldn't preserve a cul-de-sac there for ever, if it is a town road, it can be opened up.

MR. STEVEN SEGRETI: I live at 7 Forest Lane and if I understand what you have been saying, I'd like to cut to the chase. Mr. Van Leeuwen said it before, this gentleman said that the two separate things, the Mecca Park and this, that sounds fine but topographically as it was brought out one quarter of this whole area drains towards that direction. Now, that being stated the application that is before the board as Mr. Van Leeuwen said should not go forward, it was brought up at the last meeting, it should not go forward as it stands because anything could be done with that parcel of land that drains in the direction.

MR. PETRO: We're aware of that and that is the reason.

MR. VAN LEEUWEN: That is the reason we don't want any building going on there.

MR. PETRO: Your question is why are we doing anything about it at all?

MR. SEGRETI: Why hasn't what you asked him to present been presented?

MR. PETRO: We were just told tonight that it was not going to be so we're learning of it at the same time you did.

MR. SEGRETI: Shouldn't the meeting then be postponed until he reapplies?

MR. PETRO: He may have a right that he may not have to do that, that is what I want to find out.

MR. KRIEGER: From a procedural point of view, you and everybody here should understand the public hearing is not the last step in this process, it's not. This is going to conclude and the board isn't going to vote at this point to do anything. It is far from the last step in this process. It is going to be reviewed and probably more than once if the experience is any teacher by the planning board before any approvals are granted. So the fact that as the chairman has indicated to you expectations of the board changed, they'll have, it will have ample opportunity to take those changed expectations into account in its future review.

MR. PETRO: Also, I want to clear up, I said earlier that Mrs. Rakowiecki was the applicant. She's not. Park Road Construction is the applicant. Mrs. Rakowiecki is the owner.

MR. PAUL CAVAZZA: I live at 4 Finley Drive. The question here tonight is to subdivide it into three parcels, is that right?

MR. PETRO: Right.

MR. CAVAZZA: Once you subdivide it into three parcels, will parcel number one have access to Lake Road or what's the main road?

MR. BABCOCK: Station.

MR. VAN LEEUWEN: No.

MR. CAVAZZA: That is the whole question the people have once you subdivide it into sections, then she decides to sell that section number one, they have no choice but going through Finley, Mecca Drive and Ridgeview, the whole question is we don't want the three roads opened up because our roads can't handle it. And if you grant the three parcels, you people have no choice but to let them up open up that road that is what we're fighting, not development.

MR. VAN LEEUWEN: It's a point well taken.

MR. PETRO: This fella?

MR. ARANEO: Frances Rakowiecki is sitting up here in the front and I think I can speak for everyone Frances, this has nothing to do with anything against you, personally.

MRS. RAKOWIECKI: That is the way I feel, I'm sorry.

MR. ARANEO: Please don't feel that way.

MRS. RAKOWIECKI: You were at my house before, too.

MR. ARANEO: Yes. Frances, this is about everybody in the community running out of water every time they build in our area. Mecca Drive is as you know comes right up to your property.

MRS. RAKOWIECKI: What am I supposed to do?

MR. ARANEO: We're not talking--

MR. PETRO: You have to address the board.

MR. ARANEO: Second of all, somebody just handed me a piece of paper, I'm going to give you a couple of things at once because I know you don't want to call on me again. We feel that any application for Mr. Biagini should not be even be entertained at all until all his

violations have been fixed at Mecca Drive.

MR. VAN LEEUWEN: This is not an application for Mr. Biagini. This is an application for Mrs. Rakowiecki.

MR. PETRO: Park Road is the applicant.

MR. ARANEO: By cutting in the roads off Ridgeview and Finley and every other place, we have Beaver Dam Lake Association, we pay a lot of taxes and we have spent a lot of money cleaning up our lake. All the drainage that is going to be, all the havoc of the drainage from clearing that property is going to go right into the lake. So all the money we have spent, we might have just thrown it right out the window. Also, it is our understanding that the stone wall on the Rakowiecki property is the natural boundary for lake rights. Now, how do you suppose we're supposed to stop people in this development who don't have lake rights coming in to use our lake? The only way to do it is to get on the phone to call the police. That is our concerns and I think this is something that the board should look at.

MR. PETRO: Why don't you touch on that with the topo. I think what this fellow is talking about is a good idea.

MR. VAN LEEUWEN: Mr. Yanosh, how come we only have topo on basically on the 31 acres but we don't have it on the rest of the parcel? Okay, I'll tell you what our reasoning is for this. In order to relieve some of the problems that we have in Beaver Dam Lake is there a possibility that we can wind up with an entrance on Station Road? What's the topo there?

MR. YANOSH: This is, it's the distance from here up to here. This is all fields Mrs. Rakowiecki now farms. This is the farming area that she uses right now for her fields, corn and hay fields. The deal was we're purchasing just the wooded area, this all now is her farm lands. She wanted to keep that as farm land and we were going to buy this as wooded area, put a development in and we have the accesses now, the planning board, if not this board, previous boards

before have granted this one and that one and this one into our property.

MR. VAN LEEUWEN: We didn't cause the problem in that area. We didn't do that.

MR. YANOSH: We're not discussing that, please.

MR. VAN LEEUWEN: That is the problem here, that is the problem with this whole thing, let's lay the cards right on the table. The problem is the drainage and everything else that is going on in this section of the property. That is what causes Mrs. Rakowiecki the problem. Let's lay the cards on the table. That is what's causing these people the problems. What we're trying to do is help Mrs. Rakowiecki and work this thing out in a proper manner. You have a problem giving Mr. Biagini a 50 foot right-of-way so he can build a road over to Station Road.

MRS. RAKOWIECKI: He's not building there, he's building in back of my farm. It's the back. It's my wooded area.

MR. YANOSH: It's never been looked at.

MR. PETRO: Listen, let's drop that subject. We'll deal with that with the applicant.

MS. JANET RAKOWIECKI: A lady back here said about drainage and everything, if I didn't sell this land to Ed Biagini, what if I got a lumberjack in there, went in and cut all the trees down for lumber.

MR. VAN LEEUWEN: You could do that.

MS. RAKOWIECKI: I could put hay in. Are they going to come and stop me cause I am cutting the trees down, does it make any sense? It's the same thing.

MR. PETRO: We understand that is one scenario, that is one on the list. We understand that. Is there any other subject, not to be redundant on anything that we have not heard that someone would like to speak?

MS. CAROL REYNOLDS: I live at 13 Birchwood, corner of Finley. Earlier, the gentleman stated that he was going to build houses with their frontage to Station Road.

MR. YANOSH: One house.

MS. REYNOLDS: Earlier, you said you were going to build other houses there with the frontage to Station Road.

MR. PETRO: Just that one.

MS. REYNOLDS: Are you saying that you have absolutely no--

MR. PETRO: I'll answer the question for you. There's supposed to be one home on that road, you cannot subdivide a parcel without showing one home.

MS. CAVAZZA: Well, then are his future plans going to have any houses along Station Road?

MR. YANOSH: No.

MS. CAVAZZA: Never ever in the future are you going to have houses on Station Road?

MR. YANOSH: I can't say that. Nobody can say that.

MR. PETRO: Break the property up into one acre lots and that is R-3.

MR. BABCOCK: Yes.

MR. PETRO: So, it would be one acre lot, if you had a five acre parcel after you take out for infrastructure, the remaining lands what have you would support, you'd have to have 43,000 feet you can't tell someone again as I mentioned earlier that you cannot subdivide your property or you cannot build on it, if it doesn't meet all the requirements.

MS. CAVAZZA: But the gentleman is stating that he wants to, started his development coming through our

cul-de-sacs there and we would like our cul-de-sacs the way they are. If he is going to build, I don't know if I am so opposed to building as long as the wells are checked into, the water, the sewers and everything is above board and it looks like it's going to be okay. But why can't he just begin his building from Station Road work that way and leave the Beaver Dam community untouched, why can't they just not break our cul-de-sacs and leave this development on its own with access only to Station Road.

MR. PETRO: We're going to look at Station Road access but Mrs. Rakowiecki already said that she's not willing to give up the property on that portion. Do you not own the cul-de-sac of does the Town of New Windsor own it or the dead-end roads, I should say.

MR. FRANK SUTTON: I live in Beaver Dam. What you're talking about here is you're going to empty 30 or some odd houses with access to Lake Road which is an inadequate road as it is. We have had several accidents, I have lost a wife and subsequently a child at the intersection of 94 and that road. We have lost a lot of kids on that road. There should be an access to that property in my view on Station Road holding everybody here accountable for it, including the people selling it and the people buying it, that is my view on it.

MR. PETRO: We're going to look into that.

MR. SUTTON: I hope you do.

MR. MARK MC EWEN: I live on 40 Valley Drive. Frank has very legitimate points here about the other thing, we have all been concerned about our matter on the drainage and that is not going to make a hill of beans whether it comes in from Station Road or not I'm still going to run dry, doesn't matter, we're still going to have the problem no matter where it comes from.

MR. PETRO: Is there anyone else?

MR. ROBERT D'JOVIN: 7 Ridgeview Road. One way to address that situation is to a hydrogeological survey

of that particular area, he wants to develop it, will tell you if the water table can take additional development, we would that to be you instituted.

MR. PETRO: Mark Edsall, the planning board engineer, had put that into the minutes earlier that the Board of Health is going to take a look at this and if anyone in the room would like to supply the supervisor with some information that would help him further along your concerns to the Orange County Board of Health, that he'd be glad to do that. If that is one of your suggestions, put it in the form of a letter and address it to the Orange County Board of Health and copy of it to the supervisor.

MR. BABCOCK: If they were to send a letter to the Board of Health at this point in time, they won't know what to do with it.

MR. PETRO: When the application is moved along at that point, not now.

MR. BABCOCK: They don't have an application out there so they won't know what you were talking about, if you sent them a letter today.

MS. JANINE RHEIN: Ridgeview Road. I said I am one of the unfortunate people who have no water two weeks now. I had a brand new house, we built it, it's not like I have a 20 year old well, its no coincidence that my neighbors and myself are dry right across the street from each other. You're telling me I contact the mayor and give him all the information?

MR. PETRO: Any information that he can further along to the Board of Health, that would help your cause and explain to them of the water problem. The planning board, again we said this earlier, has no jurisdiction to do anything about the water, the wells, everyone has a right to drill a well, everyone. And as we all know, as we say that this comes up that you can drill a well ten feet apart and one can produce a lot more than the next so I don't know this fella's idea of highdro-testing would be a good idea and give you some indication what is in the ground.

MS. RHEIN: It's just a serious situation. Three people within a block of each other. There's going to be many other people in the same situation, thousands of dollars.

MR. PETRO: The supervisor has put some time into this contacting the Orange County Board of Health and he welcomes any input that could come from any of the people here.

MR. ROBERT D'JOVIN: One other question. What's the possibility or probability of the Town of New Windsor extending the water district to our area?

MR. PETRO: You have to approach the town board with that we have absolutely no jurisdiction over that at all.

MR. D'JOVIN: Not that I am encouraging it but--

MR. DUBALDI: We have no jurisdiction over that.

MR. D'JOVIN: My question is what's the master plan for New Windsor for our area?

MR. PETRO: I don't believe there is a master plan at this time to bring water to any other part.

MR. D'JOVIN: There is a master plan for New Windsor, just not for our area.

MR. VAN LEEUWEN: There is, that doesn't have anything to do with a master plan. Normally, how water district and sewer districts are formed is the people get together, they get petitions, they go to the town board and ask the town board to look into the possibility of bringing town water out to you people, if they get enough signatures, enough people willing to support it, they can put it on the public referendum which takes about six months to a year and like we have the water capacity. There's no problem with the water capacity.

MR. PETRO: You'd run into a little resistance on people who won't want to pay 30, 40, \$50 water bills.

This lady in the back?

MR. D'JOVIN: I'm bringing it up as an issue, you know. Janine has run out of water and has to drill, these people have run out of water.

MR. PETRO: That is the procedure you have to petition the town board. I'm going to take a few more questions, diversify them because I'm going to close the public hearing.

MR. FRANK BROWN: I'm Frank Brown. I don't live in New Windsor, although my address is New Windsor. I live in Cornwall. I can see New Windsor from my house. I'm a neighbor of Mr. Babcock. All right, you say that as far as wells is concerned, it has to go through the Board of Health?

MR. PETRO: Not through it.

MR. BROWN: Why even talk about something like this until that is taken care of, the well, the water level has dropped about a hundred feet in our area and that is both sides of the lake. There's houses and houses and houses that are drilling. There's houses that only been built for five years, 200 foot, they are drilling now. Why even think about building another house in that area? It's insane.

MR. PETRO: I'm not going to--

MR. BROWN: Even one house.

MR. PETRO: I'm not going to go over that again. I feel like I have addressed that a number of times.

MR. KRIEGER: The reason that the planning board is having this hearing before the public health, before the health department review is not a choice of this board. It is like the other things I indicated given to them as procedure that they must follow according to the state law, whether you think or I think or anybody on the board thinks that it is a good idea or a bad idea, doesn't matter, it's given to them by the state and that is the order you have to do things in whether

you like it or not, whether it makes sense to you or not. So the planning board is simply doing what they are prescribed to do.

MR. BROWN: I think the planning board should get in touch with the state and say now here, we've got a problem and we've got a problem.

MR. EDSALL: Just to clarify, if the board is acting purely on a three lot subdivision, three lot subdivision is not mandated to go to the health department. Once you introduce all the lots with a major subdivision, then it becomes mandatory, it's optional, you could send it to them at this point but again, this plan shows three houses, one of which is existing. There's very little for the health department to review at this point.

MR. PETRO: I want to take a couple more questions. I want something other than water, please.

MR. STEVEN SEGRETI: 7 Forest Lane. It was proposed that the reason the road won't go to Station Road as opposed to entering the Beaver Dam Lake community, was due to the farm land but you could see the way the map shows there's an edge of the property and all it takes is 20 feet from the edge of the property where a driveway could go the whole distance to Section 3, I believe.

MR. VAN LEEUWEN: Can't do that, sir, it's got to be 50 foot road and the road is very expensive, that is why they don't want to do it.

MR. PETRO: Let us look into that. We're going to go look into that.

MR. VAN LEEUWEN: Let us do our job.

MR. PETRO: Anyone else?

MS. BERTHA MC KEON: I live on 40 Valley Drive, Salisbury Mills, Beaver Dam Lake. I just would really like to stress to the board that we have seen Mr. Biagini through whatever rungs of the ladder he

chooses, he basically has to destroyed our community, through Mecca Park back in back of Finley Drive, I have lived there since I'm 11. I'm going to be 35. I used to be able to take a mini-bike, go back there, there's a lot of wetlands and wooded area. There has to be a stop and we just basically all my neighbors here, not talking about the water, our lake is going to be, you know, that is quality of life, I was lucky enough to buy a house right next to my mother's. I'm very proud of that and our neighbors are very proud of that. And I really think that all we're here to do is put a stop, it's like that little fable about the camel, you know, you give him an inch, then he's all the way in the tent. That is what we have seen him do. So we just want to bring it to your attention, make it hard, we may not be able to stop him because everything's on paper and it's like wonderful on paper, whatever kind of paper you want, he gets that paper for you. But we live there, okay, and all I want to do is tell the board members don't only look at the paper take a ride out there, stop at my house and give you a cup of coffee, okay. I'll take you through these roads, I'll show you where it used to be all woods now there's nothing. I think that is what a lot of people here wanted to stress to you of course you get redundant talk about the water because everybody's dealt with the water and the roads and things like that. But please, I love listening to you, Mr. Van Leeuwen, you're not somebody that is just going to be pushed over but make it hard. I think you should make it as hard as you can cause maybe it will slow him down.

MR. PETRO: I'm going to thank you all for your comments. We're going to entertain a motion to close the public hearing. But before we do.

MS. ANN SHEPARD: 39 Valley Drive, Salisbury Mills. I have basically three concerns. One, when the sewers were put in, what type of piping will it be able to accommodate anymore in the existing sewer lines. Two, when you go ahead and even put one house on one parcel, you're going to be cutting down trees and when you do, you're going to be getting rid of like they say a quality of life but you're also going to be upsetting the entire even because now that has been wiped out

because you can't put a road on top of a tree. Thirdly, some of that abuts on wetlands, how much impact is any of this going to have on the wetlands that we now have and are being so, so terribly polluted? That is all I have to say.

MR. PETRO: Everybody in the room, all your comments are very well taken. They are concerns of yours, they are concerns of the board, a lot of what you said is done through the natural process of the planning board, a lot of what you brought up, maybe Station Road entrance we're going to review that, the minutes are probably going to be 15 or 20 pages long. We will sit down and look at them. The applicants look at them and you all have rights the same as I do, cause I live in New Windsor and everybody else but we have to remember one thing and that the applicant and any one of you could always become an applicant also has the rights, sure, trees are nice and lawn is nice. I love it myself. I live on 21 acres myself and I like it but I own it so nobody else is going to subdivide it. If someone else comes along and they own the property and want to subdivide it and do it in the proper manner that doesn't affect other people or destroy their quality of life, we have as a board in the Town of New Windsor has to review it and understand what they are trying to do and come up with a viable solution to the whole thing. That is what we're going to try to do. We do appreciate input at this time. I'd entertain a motion. Please don't leave because we're going to review it again.

MR. VAN LEEUWEN: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor planning board close the planning board public hearing for the Rakowiecki Park Road Construction subdivision off Finley Court in Beaver Dam Lake. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'm going to open it up back to the board, we're going to further review it frankly, I don't really want to review it anymore at this point we have an awful lot to digest but I think we have spent an hour and a half on this and there's just so many concerns I'd like to see it go back to the workshop and I'd like to see some further ideas being worked out between the engineer, the attorney, on how to alleviate and come up with some viable solutions to some of the problems that we heard tonight because there's a good list and it's not because the people are here, I think that we need to do this because there's such problems down the road number one. We also want to help Mrs. Rakowiecki, we understand she has 151 acres and want to do a three lot subdivision so we have to come up with some way to do this and make everybody happy as far as the further subdivision of the property, we'll get to that road when we get to it. This is a three lot subdivision. And this is what the board needs to look at is a three lot subdivision but we have got so much input tonight, we need to digest it. Anyone disagree with that?

MR. DUBALDI: If it does get to that point of further subdivision there will be another public hearing.

MR. PETRO: Absolutely.

MR. VAN LEEUWEN: There might be two or three.

MR. DUBALDI: More than that.

MR. PETRO: We have one more item that the attorney would like to read into the minutes.

MR. KRIEGER: In reviewing the application, it appears to me that the applicant has not complied with the requirements of the Agricultural District Law of the State of New York due to utilization of an application

apparently which was promulgated before that regulation came into being, that regulation is binding and binding as of now, it's one of those things I talked about that wasn't true a few years ago. It's true now and before any approval is given to this applicant, of any type, there has to be compliance with the agricultural district requirements. And they are set forth in the current application along with a statement I won't go through all the details.

MR. PETRO: Thank you. Mr. Yanosh, I don't want to leave the applicant hanging high and dry. I think two concerns I'd like to see then we're going to poll the board that we mentioned tonight, the Ashley Court, the Ridgeview Road and the Finley Drive, I'd like to see some sort of the traffic study done just on that particular road to see just what it would handle before any subdivision, I just want to have some idea what's there. And Lake Road, I'm sorry, the applicant will know what I am talking about. And number two, the some way to formulate the idea that there will be no building on lot number one. I don't know legally how we're going to do it, get together with the attorney, with the engineer, come up with a way that nothing will happen to that lot as long as the litigation and the problem in the Mecca Drive subdivision exists that is two of my items. Anybody have anything to add?

MR. VAN LEEUWEN: I agree with you wholeheartedly.

MR. PETRO: That will give you something to go on.

MR. BABCOCK: Do we want the applicant to look at the access to Station Road?

MR. PETRO: That is number 3, this fella had a good idea, let's look it at, I'm not saying it's mandatory, do a traffic study on the other roads also maybe some off-site work might have to be done.

MR. YANOSH: For a three lot subdivision? I know we're going to have to do a traffic study when we come back for the full blown three lot subdivision again.

MR. PETRO: The reason I'm saying this and this fella

said it what's your name, Paul Cavazza, if you grant the three lot subdivision with no access to Station Road, it has to flow out on the other roads. We don't know that we can flow out on the other roads, give us an alternative to do a traffic study for the other roads or show us what can happen to Station Road, how are we going to access Station Road once we do the three lots subdivision. I think he understands exactly the reason.

MR. YANOSH: You're up to the point of saying you're agreeing to say no more, you want to come in off Station Road.

MR. VAN LEEUWEN: We're not saying that.

MR. YANOSH: You're saying you want a traffic study right now, expensive traffic study of those roads that you are going to be able to look at and say yes or no whether you can subdivide that property to begin with. Is that what you're going to--we're really into the process of subdividing lot number one then right?

MR. VAN LEEUWEN: Mr. Chairman, I make a motion we go on to the next item. I don't like his accusations here.

MR. YANOSH: What you want me to do is bring us up to snuff.

MR. PETRO: I don't know if we need a full blown road study. I want some idea what is going on with those roads and also the secondary idea of going to Station Road, talk it over with your client, talk it over with the builder. Maybe it's something like that will be feasible.

MR. DUBALDI: Yes, only one house is going to be presently proposed for this lot but we're creating 34 1/2 acres that are going to be onto these streets eventually. That is the reason why we're asking you to look at it.

MR. KRIEGER: I think it would be appropriate at this point to reiterate something I said at the beginning of

the meeting and that is this. The SEQRA law which is given another one of those laws, given to the planning board and with which it must comply as part of its component and only part of its rather extensive traffic and as I indicated, there's authority for the fact that when a subdivision, simple though it may be at first, when it is apparent that it is going to be subdivided in the future, failure to follow the SEQRA regulations fully at this point has been termed segmentation by the interpreting courts and it exposes the town to liability so this applicant should not be at this point saying gee whiz, you're picking on me cause it's a three lot subdivision. It is not a question of what the board wants to do, it is a question of the requirements under which they must operate by state law and these questions have to be gone into.

MR. PETRO: I want to remind everybody that is here and the applicant that this board is here on behalf of both parties. So please, keep that in mind and I want to thank everybody for coming.

MR. VAN LEEUWEN: Motion to end this.

MR. STENT: Second it.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

-----X

Part Rd. Const. for Frances Rakowski

AFFIDAVIT OF
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Daniel P. Yanosh

LICENSED LAND SURVEYOR

Route 302, P.O. Box 320
Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.
Kevin J. Wild, L.L.S.

Tel: 914-361-4700
Fax: 914-361-4722

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on July 12, 1995 at 7:30 P.M. on the approval of the proposed Subdivision of Lands of Frances J. Rakowiecki, located on the east side of Station Road approximately 4500 feet from New York State Route 94, being Section 57, Block 1, Lot 88.2. Map of the subdivision of lands is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Dated: June 26, 1995

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.

Chairman

LEGAL NOTICES * LEGAL NOTICES

PUBLICATION NOTICE OF ORGANIZATION OF LIMITED LIABILITY COMPANY

FIRST: The name of the Limited Liability Company is: Heather Properties, LLC (hereinafter referred to as the "Company").

SECOND: The Articles of Organization of the Company were filed with the Secretary of State on April 26, 1995.

THIRD: The county within New York in which the office of the Company is to be located is Orange County.

FOURTH: The Secretary of State has been designated as agent upon whom process against the Company may be served. The post office address to which the Secretary of State shall mail process is:

Todd S. Stall, Esq.

Hankin, Hanig, Stall & Caplicki, LLP
319 Main Hall Rear, P.O. Box 911
Poughkeepsie, New York
12602-0911

FIFTH: The latest date on which the Company is to dissolve is November 1, 2024.

SIXTH: The purpose of the business of the Company is to own, manage and develop real estate.

SEVENTH: The Limited Liability Company has been formed under the direction of Todd S. Stall, Esq. of Hankin, Hanig, Stall & Caplicki, LLP.

PUBLICATION NOTICE OF ORGANIZATION OF LIMITED LIABILITY COMPANY

FIRST: The name of the Limited Liability Company is: Sleepy Hollow Park LLC (hereinafter referred to as the "Company").

SECOND: The Articles of Organization of the Company were filed with the Secretary of State on April 26, 1995.

THIRD: The county within New York in which the office of the Company is to be located is Orange County.

FOURTH: The Secretary of State has been designated as agent upon whom process against the Company may be served. The post office address to which the Secretary of State shall mail process is:

Todd S. Stall, Esq.

Hankin, Hanig, Stall & Caplicki, LLP
319 Main Hall Rear, P.O. Box 911
Poughkeepsie, New York
12602-0911

FIFTH: The latest date on which the Company is to dissolve is November 1, 2024.

SIXTH: The purpose of the business of the Company is to own, manage and develop real estate.

SEVENTH: The Limited Liability Com-

pany has been formed under the direction of Todd S. Stall, Esq. of Hankin, Hanig, Stall & Caplicki, LLP.

PUBLICATION NOTICE OF ORGANIZATION OF LIMITED LIABILITY COMPANY

FIRST: The name of the Limited Liability Company is: Holiday Manor Park, LLC (hereinafter referred to as the "Company").

SECOND: The Articles of Organization of the Company were filed with the Secretary of State on April 26, 1995.

THIRD: The county within New York in which the office of the Company is to be located is Orange County.

FOURTH: The Secretary of State has been designated as agent upon whom process against the Company may be served. The post office address to which the Secretary of State shall mail process is:

Todd S. Stall, Esq.

Hankin, Hanig, Stall & Caplicki, LLP
319 Main Hall Rear, P.O. Box 911
Poughkeepsie, New York
12602-0911

FIFTH: The latest date on which the Company is to dissolve is November 1, 2024.

SIXTH: The purpose of the business of the Company is to own, manage and develop real estate.

SEVENTH: The Limited Liability Company has been formed under the direction of Todd S. Stall, Esq. of Hankin, Hanig, Stall & Caplicki, LLP.

ARTICLES OF ORGANIZATION OF

J. UNION AVENUE MANAGEMENT, L.L.C.
Under Section 203 of the Limited Liability Company Law

FIRST: The name of the limited liability company is:

J. UNION AVENUE MANAGEMENT, L.L.C.

SECOND: The county within this state in which the office of the limited liability company is to be located is: Orange County.

THIRD: The latest date on which the limited liability company is to dissolve is: perpetual.

FOURTH: The secretary of state is designated as agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the secretary of

state shall mail a copy of any process against the limited liability company served upon him or her is: 845 Union Avenue, New Windsor, New York, 12553.

FIFTH: The future effective date of the Articles of Organization, if not effective upon filing, is: immediately.

SIXTH: The limited liability company is to be managed by:

One or more members

IN WITNESS WHEREOF, this certificate has been subscribed this 17th day of May, 1995, by the undersigned who affirms that the statements made herein are true under the penalties of perjury.

Name and capacity of Signer:

HOWARD H. CHOE, Organizer

NOTICE OF SUBSTANCE OF ZBEST CLEANING, L.L.C. UNDER SECTION 204(c) OF THE NEW YORK LIMITED LIABILITY COMPANY LAW

1) NAME - ZBEST CLEANING, L.L.C.
2) The Articles of Organization of this company were filed on December 30, 1994, with the Secretary of State;

3) This limited Liability Company has an office in Orange County, New York;

4) The Secretary of State has been designated as an agent of this Limited Liability Company upon whom process against it may be served. The Post Office address within the State of New York to which Secretary of State shall mail copy of any process against the company served upon such Secretary of State is:

PO Box 2112

Newburgh, New York 12550

5) In addition to the events of dissolution set forth in Section 701 of the New York State Limited Company law, the latest date on which the company may dissolve is December 31, 2044;

6) Purpose of the company is to engage in any lawful act or activity for which Limited Liability companies may be organized under the Limited Liability Company law;

7) The Articles of Organization of ZBEST CLEANING, L.L.C. was subscribed to by Linda Fischer, PO Box 2112, Newburgh, New York 12550.

NOTICE OF FILING COMPLETED ASSESSMENT ROLL

with Town Clerk after Grievance Day (Pursuant to Section 516 of the Real Property Tax Law)

NOTICE IS HEREBY GIVEN FINAL ASSESSMENT FOR TOWN OF NEW WINDSOR, COUNTY OF ORANGE,

For the year 1995 will be the undersigned Assessor, copy thereof filed in the office of the Town Clerk located at 555 Union Windsor, New York on or a of July, 1995, where it will be the public for inspection.

LESLIE COOK
SOLE ASSESSOR
TOWN OF NEW WIN

PUBLIC NOTICE HEARING BEFORE ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE Board of Appeals of the TOWN OF NEW WINDSOR, New York Public Hearing pursuant to of the Zoning Local Law or proposition:

Appeal No. 36

Request of Linwood Rho for a VARIANCE of the Law to permit:

A funeral home in an R-insufficient off-street parking being a VARIANCE of Table of Use/Bulk Regs., C for property situated at 161 Walsh Road, New 12553

known as tax lot section 29.

SAID HEARING will take place on 10th day of July, 1995, at Town Hall, 555 Union Avenue, N.Y. beginning at 7:30

JAMES NUGENT
Chairman

By Patricia A. Barnhart,

PUBLIC NOTICE HEARING BEFORE ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE Board of Appeals of the TOWN OF NEW WINDSOR, New York Public Hearing pursuant to of the Zoning Local Law or proposition:

Appeal No. 46

Request of Charlotte Jaro for a VARIANCE of the Law to permit:

Existing carport and shed to be allowed side yard, and allow existing shed to be closer than principal structure;

Directory of Services

PIANO

For Life, Home, Commercial and

NONA "F"

WAVE & MU



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

June 14, 1995

Daniel P. Yanosh, L.S.
P.O. Box 320
Circleville, NY 10919

RE: Tax Map Parcel #57-1-88.2

Dear Mr. Yanosh:

According to our records, the attached list of property owners are abutting and across any street.

The charge for this service is \$45.00, minus your deposit of \$25.00, leaves a balance due of \$20.00.

Sincerely,
L. Cook / c.d.
LESLIE COOK
Sole Assessor

/cd
Attachments
cc: Myra Mason

Rakowiecki, Joseph E. ✓
203 Station Road
Salisbury Mills, NY 12577

Trova, Micheal P. & Sharon B. ✓
416 Station Road
Salisbury Mills, NY 12577

Roberts, Chester J. & Diane ✓
Station Road
Salisbury Mills, NY 12577

Schmidt, Albert L. & Johanna ✓
Station Raod
Salisbury Mills, NY 12577

Becce, Nicholas & Veronica ✓
112 Dewwy Ave.
Albertson, NY 11507

Rakowiecki, Joseph E. ✓
423 Station Road
Sakusbury Mills, NY 12577

Roberts, Gary & Kathy ✓
423 Station Road
Salisbury Mills, NY 12577

Capolino, Ilando ✓
Suite 1000
50 Main Street
White Plains, NY 10601

Park Road Construction Corp. ✓
PO Box 286
Salisbury Mills, NY 12577

McManus, Lori Ann ✓
14 Ashley Ct.
Salisbury Mills, NY 12577

Mahoney, Micheal J. & Elizabeth ✓
32 Hillcreat Drive
Salisbury Mills, NY 12577

Segrett, Steven M. & Mary T. & Hamilton Robert J. ✓
7 Forest Lane
Salisbury Mills, NY 12577

Youmans, William H. & Ellen M. ✓
3 Forest Lane
Salisbury Mills, NY 12577

Lachance, Peter & Andrea ✓
22 Ridgeview Rd.
Salisbury Mills, NY 12577

14

Rhein, Danny & Janine
19 Ridge View Rd.
Salisbury Mills, NY 12577 ✓

Feuerbach, William F. & Diane S.
8 Finley Drive
Salisbury Mills, NY 12577 ✓

Aliotta, Phillip V. & Joann M.
11 Finley Dr.
Salisbury Mills, NY 12577 ✓

Greenblatt, Nelsie
16 Anne Marie Dr.
Salisbury Mills, NY 12577 ✓

Capolupo, Louis & Ann
14 Ann Marie Drive
Salisbury Mills, NY 12577 ✓

DeLongis, Eugene C. & Jeanne C.
12 Anne Marie Dr.
Salisbury Mills, NY 12577 ✓

Nieman, William R. & Anne Marie
10 Anne Marie Dr.
Salisbury Mills, NY 12577 ✓

21 From above list

5 Town Officials

1 Land Surveyor

27 Mailed 6/26/95 @

Daniel P. Yanosh

LICENSED LAND SURVEYOR

Route 302, P.O. Box 320
Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.
Kevin J. Wild, L.L.S.

Tel: 914-361-4700
Fax: 914-361-4722

June 6, 1995

Mark J. Edsall, P.E.
McGoey, Hauser and Edsall, P.C.
45 Quassaick Avenue
New Windsor, NY 12553

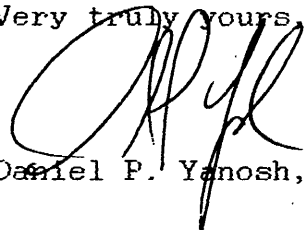
Re: Rakowieki (Park Rd. Construction) Subdivision
Town of New Windsor
Section 57, Block 1, Lot 88.2
Project # 94-21

Dear Mr. Edsall:

Enclosed please find prints of the proposed subdivision of lands of Rakowieki. As per comments at the May 24th Planning Board meeting the following items have been addressed.

2. Since there is only a single family home proposed for Lot 1 at this time, no restrictions, with regard to grading of this lot, is called for. In the future, if Lot 1 is ever further developed, a comprehensive drainage analysis and a soil erosion and sediment control plan will be completed, with an application to DEC if necessary.
3. It has been determined that a Public Hearing is necessary for this minor subdivision, and that one will be scheduled upon the receipt of these plans by the Planning Board Secretary.

Very truly yours,



Daniel P. Yanosh, L.S.

cc: Ed Biagini
Ben Oster

sec/L93-054

RESULTS OF P.B. MEETING

DATE: May 24, 1995

PROJECT NAME: Park Rd. Construction PROJECT NUMBER 94-21

LEAD AGENCY:

* NEGATIVE DEC:

M) S) VOTE: A N

* M) S) VOTE: A N

CARRIED: YES NO

* CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Need Hwy Approval

Need Note on map



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: RAKOWIEKI (PARK ROAD CONSTRUCTION) SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT (BEAVER DAM LAKE AREA)
SECTION 57-BLOCK 1-LOT 88.2
PROJECT NUMBER: 94-21
DATE: 24 MAY 1995
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF A
151.7 +/- ACRE PARCEL INTO THREE (3) SINGLE-FAMILY
RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY
REVIEWED AT THE 25 JANUARY 1995, 22 FEBRUARY 1995
AND 26 APRIL 1995 PLANNING BOARD MEETINGS.

1. The Applicant has responded to each of the previous comments from my Review Comment Sheet dated 26 April 1995.
2. With regard to the issue of the potential impacts of the development of Lot 1, the Applicant's Surveyor has indicated that only the single house is proposed, with a driveway off Ridge View Road. This is the development as depicted on the subdivision plan. No grading is indicated as being required for the development of Lot 1.

It is clear that the future development of a major subdivision at Lot 1 could potentially cause further drainage problems in the area. As such, the Board may wish to consider certain restrictions with regard to any grading of this lot until such time that a comprehensive drainage analysis has been completed and a soil erosion and sediment control plan has been completed (with an application to DEC made, as necessary).

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: RAKOWIEKI (PARK ROAD CONSTRUCTION) SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT (BEAVER DAM LAKE AREA)
SECTION 57-BLOCK 1-LOT 88.2
PROJECT NUMBER: 94-21
DATE: 24 MAY 1995

3. The Planning Board should determine if a **Public Hearing** will be necessary for this minor subdivision, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
4. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:RAKOW5.mk

REGULAR ITEMS:

PARK ROAD CONSTRUCTION SUBDIVISION (94-21) STATION ROAD

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: Last meeting you were here where he just had a couple outstanding things, what were they? Can you bring us up to par?

MR. YANOSH: Most of the things were septic details and septic systems, lot number 1 and lot number 3 there were some zoning regulations that we had to change because we're doing all septic now and one of the other questions was we haven't had a return from the highway superintendent on the driveway cuts on the drainage area.

MR. PETRO: Letters for lot number one Andy, was that done, reviewing letters for lot number one?

MR. YANOSH: I discussed with Mr. Biagini who is here and I discussed that with him and it's again it's his contention of the fact that again, this is Mrs. Rakowiecki's property, lots 1, 2 and 3. Again, that has nothing to do with the Park Road subdivision, that matter is being taken care of, court procedure almost completed. Again, it's something that does, has nothing to do with this situation at all right here. Our access is off of Ridgeview Road, Mrs. Rakowiecki's is a 3 lot subdivision for her property. At the time, he was unwilling to write that letter about that lot just for the--

MR. PETRO: It's my understanding most of the subdivision drains away from the Mecca Drive subdivision?

MR. YANOSH: Correct. The only part that you have, this comes into this and the remainder of it either goes directly to the south or to the west.

MR. LANDER: It's only lot 1?

May 24, 1995

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MR. YANOSH: Correct, yeah, even not all of it, probably third of lot 1 is what's going to drain back towards that in Mecca Park, probably a fifth of it, a sixth of it.

MR. DUBALDI: In reference to Mark's comment number 12, can you show us where you're going to be disturbing the soil on lot number 2, whether you're going to be doing any kind of grading?

MR. YANOSH: I haven't read his comments yet.

MR. LANDER: Number 2.

MR. PETRO: We have fire approval on 5/22/95.

MR. LANDER: Highway?

MR. PETRO: We have not heard back from the highway as of yet. You don't have a letter from them, do you?

MR. YANOSH: The last two we had from the last meeting the two denials because of the drainage problem but again, you were looking at the different plan with the other driveway off Ashley Court.

MR. PETRO: He has received the new plan.

MR. YANOSH: I have sent them to the town, Myra?

MS. MASON: Yes.

MR. YANOSH: Grading of lot number one, the only thing we're going to be doing right now is cutting the driveway through here across here for towns's location. There is no DEC wetlands out herem there are army corps wetlands, they are depicted on the plan which is, which isn't even close to our driveway. If you want a set of control plans for the driveway coming in, I can do that just for one driveway, I know the DEC application is --

MR. PETRO: What driveway?

MR. YANOSH: Lot number 1.

MR. KRIEGER: Where do you propose to put the driveway?

MR. YANOSH: Off Ridgeview Road, it ends right there, it's a dead end road going right through there and through our property, we do have actual town road frontage on Ridgeview Road.

MR. VAN LEEUWEN: Ridgeview Road is built?

MR. YANOSH: Yes, there's a house right across the street, lots 9 and 10 on the map have houses on them.

MR. VAN LEEUWEN: It's been taken over by the town?

MR. YANOSH: Yes, as far as I know, they are on the town highway maps, the tax map shows them as town roads, they are maintained by the town, I saw them out there one day.

MR. VAN LEEUWEN: I don't see a turnaround.

MR. YANOSH: No, Finley Drive doesn't have a turnaround, just comes in and deadends.

MR. PETRO: Can we discuss, at the last meeting, any further subdivision, do we have something on the map that it will not take place until the drainage problems get resolved?

MR. YANOSH: That is something we don't want to entertain right now. Again, all we're looking for here is a 3 lot subdivision.

MR. BIAGINI: Can I ask a question?

MR. PETRO: State your name please.

MR. BIAGINI: Ed Biagini from Park Road Construction. What drainage problems are you speaking of?

MR. PETRO: Basically, at the Mecca Drive subdivision.

MR. BIAGINI: Well, it seems to be the town's position that there are no drainage problems from testimony that I have, transcripts from a recent court case, Skip Fayo

May 24, 1995

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came in and said the roads were acceptable to the town.

MR. PETRO: The town being the leaders of the town, the elected officials or the people in general that live in the town?

MR. BIAGINI: No, Skip Fayo.

MR. KRIEGER: I am familiar with that. All I can tell you is that the subject of litigation which is ongoing contrary to Mr., what Mr. Yanosh said, it's not about to end any time soon but that is a point of contention.

MR. BIAGINI: We have it in writing Andy.

MR. KRIEGER: All I am advising the board it's a point of contention. It may be clear in your mind but it should have been made clear to you by now, you're mind is not everybody's mind and the way you interpret it is not the only way to interpret it.

MR. BIAGINI: Why don't I make copies to the board and they can interpret it themselves.

MR. PETRO: This is the fourth meeting that we're reviewing this particular subdivision and in light of the fact that I would say probably 90 percent of it drains away from the disputed subdivision, I don't think that at this time we should hold this particular subdivision up hostage or held any further to the other subdivision. If in the future and I think the rest of the board members would agree with this, you came in for further subdivision, if any of the property was going to be drained towards the Mecca Drive subdivision, obviously, we'd have to look at it in detail.

MR. YANOSH: No problem.

MR. VAN LEEUWEN: The only--I thought the last meeting we had discussed that there'd be no houses built until the drainage problem was settled on Ashley Drive and that whole Mecca subdivision where some of that water is coming down into and then we we're going to go ahead with the subdivision.

MR. DUBALDI: It is in the minutes.

MR. PETRO: You're proposing the two houses how and the additional lots?

MR. YANOSH: Right, lot number 2 has existing house and barn, lot number 3 gets a new house and lot number one proposing.

MR. VAN LEEUWEN: Proposed house here is the problem area that is all we're talking about, we're not talking about the other ones.

MR. PETRO: Lot number one.

MR. VAN LEEUWEN: No, the barn or house that has been there for years and years.

MR. YANOSH: So, what you're saying then no building permit for the lot number one until--

MR. VAN LEEUWEN: Until the drainage problem has been solved.

MR. BIAGINI: If you could clarify the drainage problems for me, I'd be happy to do that.

MR. VAN LEEUWEN: This thing is in court, you know that, I'm not going to do that, okay.

MR. BIAGINI: But to put an ambiguous note on there, I have been trying to in court ascertain what the drainage problems are so we can take care of them.

MR. PETRO: Why don't we leave it in the hands of the court if there is a drainage problem that needs to be resolved then when it's resolved and the court is satisfied with it, then the building permit will be issued.

MR. BIAGINI: Okay.

MR. PETRO: And you'd be willing to put a note to that effect.

MR. BIAGINI: Yes.

MR. YANOSH: Yes.

MR. KRIEGER: You better make it clear cause the last time you asked for a note, they came in and said they wouldn't do that so you better make it clear exactly what the note he's agreeing to put on there is.

MR. VAN LEEUWEN: Got to be on the map.

MR. LANDER: Mr. Chairman, I make a motion that we have a public hearing.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded tthat the New Windsor Planning Board hold a public hearing for the Park Road Construction subdivision on Station Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I don't think we have very much more to review, I think that we have three items, one will be the note on the map, number 2, I'd like to have something back from the highway department, I don't see any problem.

MR. YANOSH: Am I allowed to call him or--

MR. PETRO: You can call Myra, Myra can check.

MR. BABCOCK: He can go directly to him, sure.

MR. PETRO: We'll get right on the next agenda, if you get everything done for public hearing, we'll have you

May 24, 1995

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right on there.

MR. YANOSH: Thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
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New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: RAKOWIEKI (PARK ROAD CONSTRUCTION) SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT (BEAVER DAM LAKE AREA)
SECTION 57-BLOCK 1-LOT 88.2
PROJECT NUMBER: 94-21
DATE: 26 APRIL 1995
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF A
151.7 +/- ACRE PARCEL INTO THREE (3) SINGLE-FAMILY
RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY
REVIEWED AT THE 25 JANUARY 1995 AND
22 FEBRUARY 1995 PLANNING BOARD MEETINGS.

1. In my previous comments, I suggested that a more detailed plan for the development areas be presented. The application drawings now include Sheet 3 which provides a "blow up" for Lots 1 and 3. Based on the soils test information indicated on Sheet 2, the layouts depicted on Sheet 3 appear acceptable.

With regard to the sanitary designs, I have the following comments:

- a. The capacity of the septic tank for Lot 3 should be indicated.
- b. I recommend that a curtain drain be provided for the new system on Lot 1.
- c. For the design information for Lot 3 on Sheet 2, the required lineal footage of disposal field for a four bedroom residence should be corrected. The value indicated does not conform with the NYSDOH tables.
- d. The sanitary system and well for Lot 2 should be indicated on the plans.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: RAKOWIEKI (PARK ROAD CONSTRUCTION) SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT (BEAVER DAM LAKE AREA)
SECTION 57-BLOCK 1-LOT 88.2
PROJECT NUMBER: 94-21
DATE: 26 APRIL 1995

2. Relative to the SEQRA review of the project, at this time I am aware of two (2) outstanding items. First, there is a concern with regard to potential erosion and water quality problems, as identified by the Chairman of the Beaver Dam Lake District (by letter to the Planning Board). Second, there has previously been a drainage study submitted, and certain drainage concerns identified. This was being further reviewed by Town Engineer Richard McGoe. At this time I am not aware of the resolution of these issues. Perhaps the Planning Board Attorney is more familiar with the status of the evaluation of these issues, which also relate to an adjoining and formally approved subdivision.
3. At this time I am aware of two (2) disapprovals from the Town Highway Superintendent. Has a new review been performed and has this application received his approval?
4. The Planning Board should determine if a **Public Hearing** will be necessary for this **minor subdivision**, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
5. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:RAKOW4.mk

April 26, 1995

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PARK ROAD SUBDIVISION (94-21) STATION ROAD

Dan Yanosh appeared before the board for this proposal.

MR. PETRO: We still have a disapproval from the highway. Can you touch on that for us?

MR. YANOSH: Can I what?

MR. PETRO: We originally heard back from highway, we'd like to have more details as to where the driveway enters the town road.

MR. VAN LEEUWEN: How long ago was that?

MR. PETRO: That was 1/19/95 and on 2/15/95, we have disapproved again because lot number one is a wet area, need drainage plans.

MR. YANOSH: What we did was in that cast, the original driveway came in off Ashley Court for lot number 1, again, since the fact that Ashley Court really isn't a town road, it hasn't been accepted by the town and if it is a wet area in there so be it. We brought the driveway in off the existing road, Ridgeview Road and that way, we avoided the wet areas and the problems with the Mecca Park subdivision by bringing it in that way. I don't know whether the Highway Superintendent has looked at the plans.

MR. PETRO: Date of the plan is 3/23/94.

MR. YANOSH: 4/4/95.

MR. PETRO: I see it, okay 4/4/95, yes.

MR. YANOSH: They are all submitted, so move that road over this way to get rid of the problems.

MR. PETRO: He did receive it, we haven't heard back, okay, proceed.

MR. YANOSH: I think we have all been through this a couple times. Mark's comments are septic system, right Mark, mostly?

MR. EDSALL: Mostly, yeah.

MR. LANDER: Drainage study done on this Dan?

MR. YANOSH: Yes.

MR. LANDER: What were the problems that you saw?

MR. YANOSH: All right, Mark's comment number 2 is the drainage. We can go through that after a while. I know that there is still discussions about the drainage on Ashley Court, Park Road itself is still in litigation with the town. It's pretty close to, settled that drainage on that report, I feel that it's the applicants and the subdividers agent that that has nothing really to do with my three lot subdivision. Mrs. Rakowiecki is the owner of the property, Park Road Construction, he can wait, okay, he doesn't worry about this as much as Mrs. Rakowiecki does, she's looking to sell this front lot off. What we have here is a 3 lot subdivision which at the time has no involvement with the Mecca Park. Ed Biagini is the one who is paying the bills and doing this for Mrs. Rakowiecki so she can sell this front piece off. Ed will buy the remainder and we can discuss all these drainage problems and the rest of the stuff later on again when we come back with a plan like I showed before, for lot number one. All of those items are in the process of being addressed today, the court proceedings are still going on and Mr. Babcock and Dick McGoey are involved.

MR. VAN LEEUWEN: Why can't we get that stuff resolved now?

MR. YANOSH: Record owner is Frances Rakowiecki.

MR. VAN LEEUWEN: Why can't we get the drainage involved because we're getting the phone calls, you're not.

MR. YANOSH: We are working on, I have the general--

MR. VAN LEEUWEN: Ain't working fast enough. Let's get that ironed out first then we'll tackle the next

project.

MR. YANOSH: Just because Park Road is in there doing it for her behalf.

MR. VAN LEEUWEN: Then you're going to come in and tell us now wait a minute, we bought this property, now we have got to have 4 lots, you have got to give us 4 lots. I know how it works because I've done it myself, okay, not in this town but I've done it myself.

MR. PETRO: Any homes on this property anywhere at this time?

MR. YANOSH: Lot number 2 has existing house and barn.

MR. PETRO: So you can have three additional houses?

MR. YANOSH: That is what we're looking for again so she can sell off the front lot, her lot number 3 to a relative of her's, that is the main issue. I get phone calls from her attorney, they want to close the deal, they want to build the house. There again, the rest of this stuff on lot number one, when we come in, you know, drainage is going to be taken care of, all the problems are going to be taken care of. You do a SEQRA process and I am learning more as I am going along.

MR. VAN LEEUWEN: Will you agree to a statement, okay, will you agree if we go along with this, you'll not come in for another subdivision on this property until all the drainage has been settled on the other?

MR. YANOSH: You're never going to give me approval until the drainage is settled, I know.

MR. VAN LEEUWEN: Come in for three or four lots and come out with the, and no drainage on that area, you won't get it from me.

MR. PETRO: I would echo Mr. Van Leeuwen on that why it's a problem there, it really is a problem.

MR. VAN LEEUWEN: I have been through there, this is a disgrace to the taxpayers of this town.

MR. YANOSH: Do you see my point with this thing?

MR. PETRO: If it's Mrs. Rakowiecki's property, why is Park Road Construction even on the application?

MR. YANOSH: He's the one who's paying all the bills. He's doing all the paperwork. He's paying me to do the subdivision, paying me for doing the survey and the rest of the stuff I'm working for Park Road Construction.

MR. PETRO: Do we have a proxy?

MR. YANOSH: Yes. Again, all that stuff is in the process. There are plans Mark has looked at them. Did you talk to Dick about the drainage?

MR. EDSALL: Not about the drainage, no. I want to go one step further than what Mr. Van Leeuwen said. I don't have a problem. I don't think the other members have a problem with subdividing the property but to create further drainage problems that would exit onto Ashley Court, that obviously can't happen so if I'll point this to the attorney, can we put a restriction that no homes will be built if we do the subdivision obviously you have to plot houses, how do you stop from--

MR. KRIEGER: You can't.

MR. VAN LEEUWEN: Just a second, let me finish, he can come in and build one house here on that property. You cannot stop him, unless we get an agreement from him right here and now saying that he will not come in and may not ask for a building permit on that property because as soon as he asks for a building permit on the property, you are going to wind up with more drainage on Ashley Court.

MR. PETRO: Is that legal?

MR. KRIEGER: What are you talking about?

MR. PETRO: If he makes an agreement on any other

building?

MR. VAN LEEUWEN: Yes, it will hold up in court.

MR. PETRO: No further building, he can have the subdivision, she can sell it to her relative or whatever but no building permit until the drainage problems are solved.

MR. YANOSH: No building permit for lot 1 until the drainage problem for Ashley Court.

MR. VAN LEEUWEN: No, you can't do that because on the Rakowiecki side where he wants to sell that goes towards the other side any way.

MR. PETRO: So then lot one.

MR. VAN LEEUWEN: Ridgeview and Finley, it's not affecting that, the main problem is Ashley Court, that area that is the bad part.

MR. YANOSH: It's all being worked on.

MR. VAN LEEUWEN: Will you agree to the fact, give us a stipulation that you will not put any houses on lot number one?

MR. YANOSH: I would, but I would, but I'm not going to say that my client would. I can't put words into his mouth and say that if I was to--

MR. VAN LEEUWEN: Before we go any further.

MR. YANOSH: Can you give me a conditional approval if he says yes to that demand that I request?

MR. VAN LEEUWEN: I wouldn't go for that with all the problems you have.

MR. PETRO: You still have, you still have, we don't have approval from the Highway Superintendent, number one, then to add to that a condition of that magnitude with conditional approval, I don't see it at that time, I think there's still too much to go, we haven't even

declared whether there will be a public hearing or not.

MR. YANOSH: Again, I'd like to do that too, it's a minor subdivision, it's only two houses.

MR. VAN LEEUWEN: A 3 lot subdivision on that other end, I don't see where there is a big problem. What I am mainly concerned about is lot one, that is my main concern and I know what lot one is going to do now, actually there's a 50 foot right-of-way going to come into this property off Ashley Court.

MR. YANOSH: Eventually, yes.

MR. VAN LEEUWEN: That 50 foot right-of-way, those lines should be opened up through this so you can see that should be part of the deed on that property because otherwise, we're creating a piece of property that has no access.

MR. YANOSH: Yes, we have Finley and we have Ridgeview Road, we have access right there.

MR. VAN LEEUWEN: Does he own Finley Drive?

MR. YANOSH: It's a town road.

MR. VAN LEEUWEN: What about Ridgeview?

MR. YANOSH: It's a town road.

MR. PETRO: I really think we have gone as far as we're going to go. Listen, gentlemen, see if you agree with what I am going to propose here. I think that number one, you have to clean up comments that Mark has on the sheet that goes without saying. Number 2, we need to hear back from the highway department for an approval and number 3, I am in 100% agree with Mr. Van Leeuwen, I don't think there should be any further development of lot number 1 and if your client--

MR. YANOSH: Go back, you're saying building permit or no further development?

MR. VAN LEEUWEN: No further development and no

building permit, notarized letter.

MR. PETRO: Make it real easy, both.

MR. PETRO: Get your attorney, your client together and give us a letter to that effect.

MR. KRIEGER: And I would suggest before it's approved that I look at the actual letter and I can only render an opinion on the words that I see. I can't render an opinion on what somebody tells me the gist of their words are going to be in the future.

MR. VAN LEEUWEN: Those letters must be in our attorney's hands before we approve it.

MR. PETRO: Other than the three items, Ron, do you have anything to add?

MR. LANDER: I don't want to see a tree drop, Mr. Chairman.

MR. DUBALDI: Same here.

MR. VAN LEEUWEN: We do have to go for a public hearing on this.

MR. YANOSH: Three lots, do you really have to?

MR. VAN LEEUWEN: Three lots, we can discuss, leave that open for now.

MR. PETRO: We're going to have a public hearing for the subdivision, you're creating two new lots, one lot is already there.

MR. VAN LEEUWEN: For the two lots we're creating?

MR. PETRO: They can't build anyway but we'll discuss that when the time comes.

MR. VAN LEEUWEN: Can't build on lot number one, not the remaining lands of Rakowiecki.

MR. PETRO: I think we've done that.

MR. YANOSH: Can you give me a statement we won't need a public hearing so I can get done?

MR. PETRO: No, sir.

MR. VAN LEEUWEN: Can't give you that tonight.

MR. EDSALL: Before we close this one out Myra, there's a proxy on record from Park Road for Dan?

MS. MASON: Two of them.

MR. EDSALL: Since Dan is authorized and we're looking at a lot of paperwork, could you waive the timeframes that we need to take action so they don't have to vote on it tonight, which obviously--

MR. VAN LEEUWEN: Don't waive, we'll vote it down.

MR. YANOSH: I don't want to get in no fights.

MR. VAN LEEUWEN: You're in a fight already, whether you like it or not. I make a motion we approve.

MR. LANDER: Second it.

MR. PETRO: What you're doing is just giving us time to review the application.

MR. YANOSH: Until the next meeting?

MR. PETRO: Until you are prepared.

MR. YANOSH: Okay, so I'll give you the next meeting I'm ready to come back.

MR. PETRO: 2/22/95 waive time limits, it's already been done.

MR. EDSALL: Second item just so that it is in the record, obviously, the issue of drainage is a paramount issue before the board can take any action on SEQRA that has to be resolved.

MR. YANOSH: It's not a part of this 151 acres.

MR. EDSALL: That is your opinion, Dan, but we have the town engineer who's looking into it right now and unless the attorney's prepared to tell me that that is not an issue which we should be looking at.

MR. KRIEGER: Which is he is not prepared to say.

MR. EDSALL: Until it is determined that it is not an issue and everybody's comfortable with ignoring it as you are, I'm telling you that the board cannot make a SEQRA determination, therefore with not all the information having been concluded, the timeframes for SEQRA probably is being pushed up for that reason.

MR. YANOSH: If I want to take Park Road Construction off the map, I would have clear sailing no problem at all from today?

MR. LANDER: I wouldn't say that.

MR. EDSALL: The drainage problems would exist anyway.

MR. YANOSH: We're dealing with a developer who the town supposedly is having trouble on one side and I just don't want to penalize Mrs. Rakowiecki for that point, that is all.

MR. VAN LEEUWEN: On that point, I am willing to agree with you. But let me say something to you, Mr. Biagini owns so much land, it's easier to do it right than causing all these problems for us and for him. Why don't you suggest that to him and if you don't want to suggest it to him, he knows my phone number, he can call me because I'll suggest it to him in plain English language.

MR. PETRO: Mr. Yanosh, I think we have gone as far as we can, thank you.

Daniel P. Yanosh

LICENSED LAND SURVEYOR

Route 302, P.O. Box 320
Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.
Kevin J. Wild, L.L.S.

Tel: 914-361-4700
Fax: 914-361-4722

May 3, 1995

Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

RE: Rakowieki (Park Road Construction) Subdivision
Project # 94-21

Dear Mark:

As per your comment letter, and the Planning Board meeting of April 26, 1995, enclosed are revised plans with the following items addressed.

1. With regard to the sanitary designs, the following have been addressed:
 - a. The capacity of the septic tank for Lot 3 has been indicated.
 - b. A curtain drain has been provided for the new system on Lot 1.
 - c. The design information for Lot 2 on Sheet 2, for the required lineal footage of the disposal field for a four bedroom residence has been corrected.
 - d. The approximate location of the sanitary system and well for Lot 2 has been indicated on Sheet 2.
2. The possibility of potential erosion and water quality problems, are minimal. Only two dwellings are proposed as a result of this subdivision. There will not be any extensive grading needed for the home sites. The driveway for Lot #1 is proposed to be off of Ridge View Road, therefore, the drainage on Ashley Court will not be affected by this subdivision. The previously submitted Drainage Study and certain drainage concerns affecting Ashley Court, Park Road and Mecca Drive are for the possible future development of Lot #1, not for this minor subdivision.
3. The two (2) previous disapprovals from the Town Highway Superintendent are for a proposed driveway onto Ashley Court. These issues have been resolved by moving the proposed driveway for Lot 1 to Ridge View Road. I am still waiting for comments from the Town Highway Superintendent regarding the new driveway location.

4. The Planning Board has not, to my knowledge, determined if a Public Hearing is necessary for this minor subdivision.

If you should have any questions or comments, please do not hesitate to call.

Very Truly Yours;


Daniel P. Yanosh, L.L.S.

elw/L-93054

RESULTS OF P.B. MEETING

DATE: April 26, 1995

PROJECT NAME: Park Rd. Sub. PROJECT NUMBER 94-21

LEAD AGENCY:

* NEGATIVE DEC:

M)___ S)___ VOTE:A___ N___

* M)___ S)___ VOTE:A___ N___

CARRIED: YES___ NO___

* CARRIED: YES:___ NO___

PUBLIC HEARING: M)___ S)___ VOTE:A___ N___

WAIVED: YES___ NO___

SEND TO OR. CO. PLANNING: M)___ S)___ VOTE:A___ N___ YES___ NO___

SEND TO DEPT. OF TRANSPORT: M)___ S)___ VOTE:A___ N___ YES___ NO___

DISAPP: REFER TO Z.B.A.: M)___ S)___ VOTE:A___ N___ YES___ NO___

RETURN TO WORK SHOP: YES___ NO___

APPROVAL:

M)___ S)___ VOTE:A___ N___ APPROVED:___

M)___ S)___ VOTE:A___ N___ APPR. CONDITIONALLY:___

NEED NEW PLANS: YES___ NO___

DISCUSSION/APPROVAL CONDITIONS:___

Need Highway Approval of latest plan

Check Finley + Ridgeway Rds - Are the Town Rd

Only to review letter for Lot #1

Waive Time frames - Done 2/22/95

Daniel P. Yanosh

LICENSED LAND SURVEYOR

Route 302, P.O. Box 320
Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.
Kevin J. Wild, L.L.S.

Tel: 914-361-4700
Fax: 914-361-4722

April 5, 1995

Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

RE: Rakowieki (Park Road Construction) Subdivision
Project # 94-21

Dear Mark:

As per your comment letter dated February 22, 1995, and the Planning Board meeting of February 22, 1995, enclosed are revised plans with the following items addressed.

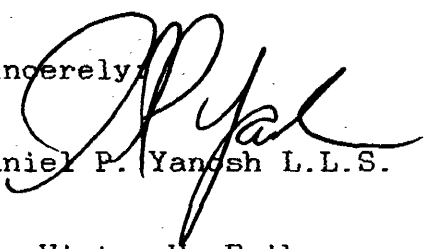
- 1] The areas for the proposed improvements on Lots 1 and 3 are now shown on Sheet 3 of 3 with a 50 scale drawing. This shows the lots in greater detail, and clearer dimensions, and separation distances. Also the driveway for Lot # 1 is now shown entering from Ridge View Road, not Ashley Court as was previously submitted. This will resolve any questions that the Highway Superintendent had about access, and drainage.
- 2] The Bulk Table is revised to reflect lot requirements without central water or sewer.
- 3] The soils tests results are shown on Sheet 3 and have excellent perc rates.
- 4] The drainage for Park Road and Ashley Court is in the process of being modified to comply with the Town Engineers requirements. This item will be resolved shortly. This subdivision of 3 residential lots, has no impact on the Mecca Park Subdivision at this time, and should be treated as such. The further subdivision of Lot # 1 will contain all of the necessary documentation for proper planning in regard to environmental significance.
- 5] We are presently working on a conceptual sketch for the subdivision of Lot # 1 in respect to the proper drainage layout and flow calculations, which we hope will be reviewed by the Town Engineer. This again has no bearing on this 3 Lot Subdivision which you are now reviewing. This plan has been submitted to the board for their review.

2

6] A Public Hearing is to be scheduled for this project upon the Planning Board's receipt of these new plans.

If you have any questions, please call.

Sincerely,



Daniel P. Yanosh L.L.S.

cc: Victor H. Erikson
Ed Biagini

Daniel P. Yanosh

LICENSED LAND SURVEYOR

Route 302, P.O. Box 320
Circleville, N.Y. 10919

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April 5, 1995

Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

RE: Rakowieki (Park Road Construction) Subdivision
Project # 94-21

Dear Mark:

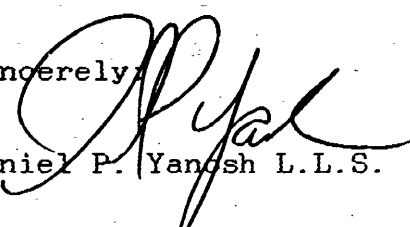
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If you have any questions, please call.

Sincerely,



Daniel P. Yanosh L.L.S.

cc: Victor H. Erikson
Ed Biagini

PARK ROAD CONSTRUCTION SUBDIVISION (94-21)

Mr. Dan Yanosh appeared before the board for this proposal.

MR. PETRO: This is associated with Mecca Drive Subdivision?

MR. YANOSH: Same owner, Park Road Construction is the subdivider, record owner, Mrs. Rakowiecki, Park Road owns Mecca Drive.

MR. PETRO: All right, Dan, go ahead.

MR. YANOSH: 151.7 acres owned by Rakowiecki, fronts on Station Road, borders on Ashley Court, Ridgeview and Finley Drive. Proposal right now is for a 3 lot subdivision. Lot number one is 34.41 acres, lot number 2 has existing farm house and barns on it, 97 acres, and lot number 3 proposed lot along Station Road 18.84.

MR. PETRO: We have fire approval on 2/22/95 which is today and where is highway?

MS. MASON: Nothing back from highway.

MR. PETRO: This comment drawing submitted for review to be reviewed at this meeting, what's that?

MR. EDSALL: We had talked earlier and in fact the original application for this property was for a greater number of lots. Dan had as he's displaying now before you we had discussed that there's proposed further subdivision, I haven't seen that yet but in the transmittal letter, he indicated that I had submitted it.

MR. PETRO: This is a lot up on the top?

MR. YANOSH: Yeah, this is all of lot number one.

MR. PETRO: You're not subdividing at this time?

MR. YANOSH: Correct, originally we came in with this type subdivision originally and lot 2 and lot 3 but to

speed up the process, Mrs. Rakowiecki wants to cut these front lots off first like to clear this up first and later on we'll come back with this type of plan here for major subdivision on lot number one.

MR. PETRO: So you are just breaking it up into 3 lots now then you're going to go from there but you still have to plot, I believe somewhere on these 3 lots, the house.

MR. YANOSH: I did. Lot number 3 has got one shown in the detail up here and lot number one we showed one also up there on lot number one, just a scale of the map, we blew it up and put them, here's the house for lot number one and two.

MR. PETRO: Are they going to be on those locations or just anywhere?

MR. YANOSH: Lot number 3 is probably the exact location that is where somebody wanted one. The purchaser would want it down there. Lot number one can go anyplace up there. We had done a bunch of perc tests, some were good, some were bad. This is a good location, that is why I'm spotting the house right there, just for zoning and for planning purposes. We can put a house, there's a couple more sites in the middle right between Finley and Ridgeview we have some good percs, I can put a house there. There are a few other areas I can put a house.

MR. DUBALDI: Where would the boundary of the wetlands be on the map? It's a little unclear.

MR. YANOSH: It's this line right there (indicating).

MR. DUBALDI: So you have wetlands going right up into lots 3, 4, 29 and 37?

MR. YANOSH: Correct, federal wetlands. Under the federal permit, we can apply to the Army Corps of Engineers to fill in up to an acre of federal wetlands, that is what we'd be doing as we go along here. So we will just probably fill in the front along through here just a small portion so we can put a house there.

MR. DUBALDI: Are you required to create new wetlands to match that?

MR. YANOSH: No. You can get a permit to fill in more but the Army Corps allows to you fill in, you can fill in up to an acre without getting a permit. But in order to do that, you have to tell them what it looks like first and then you can only fill in this down the road, they can come back and say hey, what did you fill here? At least you have a map that you showed them up front.

MR. PETRO: Mark, as far as the SEQRA process goes you're saying that we don't have enough information, what other information would we be looking to look at?

MR. EDSALL: The issue was brought up at the previous meeting as to drainage through this area and in fact the applicant submitted a drainage letter report which there have been response comments sent back and at this point, the report was not accepted. So I would say that until you have the drainage issue resolved and there's an acceptable report submitted, I don't believe you can close out SEQRA.

MR. YANOSH: I waited for comments.

MR. EDSALL: That is more or less on hold right now and it's my understanding and although I'm not directly involved in it, there's some litigation ongoing and the particular response to the drainage report was forwarded through part of that court action.

MR. KRIEGER: I don't know if that is, yes, there's litigation ongoing, it involves the Park Road Construction Corporation, Mr. Biagini and the subdivision which contains Ashley Court which appears on the upper right-hand portion of the northeast, looks like the northeast corner of this property. With respect there was a drainage report submitted in connection with that, whether it was used for this purpose or not or what purpose it was used exactly, I don't know. I know it was submitted to Mr. McGoey and that he reviewed it. I had not had an opportunity to

talk to him after a final review and I only looked at it once but whether that was the drainage report submitted in connection with this, I don't know. But there certainly was one, yes.

MR. EDSALL: It's my understanding that as part of that litigation it was represented to the judge that a report had been submitted relative to this application. In fact, it's my understanding that when that comment was made, no such report had been submitted. It subsequently was submitted, reviewed, found unacceptable and comments have been returned so at this point, we do not have a acceptable drainage report.

MR. KRIEGER: This connects with that application in connection with the lawsuit.

MR. EDSALL: But it had addressed this application.

MR. KRIEGER: It was an attempt to try and tie this application with that litigation. That attempt has been rejected.

MR. EDSALL: Relative to the drainage report submitted and I guess forwarded to the court but relative to this application before this board, it was not accepted, comments have been sent back. We do not have an acceptable report yet, therefore I don't believe you should close SEQRA.

MR. PETRO: Also--

MR. YANOSH: We haven't gotten those comments back yet, there's no problem with whatever.

MR. PETRO: Again, the public hearing, I think being that there's a problem in the area with drainage and so many of the people in the area have been, I guess complaining to the Town Hall about drainage, I think that, and this is my opinion, gentlemen, is that public hearing probably should be held on this minor subdivision.

MR. KRIEGER: I personally received at least one telephone call from a property owner of property

abutting Ashley Court which again appears in that portion that I mentioned earlier indicating extreme displeasure with the drainage situation and great concern over the effect that the development of the instant property would have on that person. I would strongly on the basis of that telephone conversation, I would strongly advise the board to favorably consider having a public hearing.

MR. YANOSH: Does a public hearing later on down the road for the large subdivision, no problem at all, you have to have one anyway.

MR. KRIEGER: I would suggest the board have one for both, every time this comes up for a public hearing based on the complaint that I have personally heard and the complaints I have heard about from others in the neighboring subdivision, it is my advice to the board that it strongly consider having a public hearing each and every time this property comes up.

MR. PETRO: We're not going to schedule a public hearing at this time until we close out SEQRA so until we get the drainage report back into the hands of Mark and the board, I don't know that we can go much further.

MR. DUBALDI: This is not part of the record, is it?

MR. YANOSH: No.

(Whereupon, Mr. Van Leeuwen entered the room.)

MR. KRIEGER: Are you asking has a proxy been filed?

MS. MASON: Yes.

MR. KRIEGER: Secondly, when was this application filed, what date was it received?

MR. EDSALL: I have the application dated 21st of June, 1994.

MR. KRIEGER: On this parcel?

MS. MASON: I have August 8th.

MR. EDSALL: Was there a revised application because of the number of lots, is that what happened?

MR. KRIEGER: This instant application is in.

MS. MASON: That is the only one I have.

MR. EDSALL: What they did was they signed it June 21 and apparently it took from then till August 8 to be received by the town. So if you look at the notary on the back, that is when they filled it out was June 21.

MS. MASON: All the receipts for the money received and the application itself was August 8.

MR. KRIEGER: Okay, my concern is with respect to time periods, the town law requires that a hearing date be set and one of two things can happen. If the board doesn't have sufficient information, it either acts to reject this application which means they have to start all over again or the applicant can agree to waive the time period so as to permit the process to go forward. Customarily, such a waiver has been a waiver until further notice but absent a waiver, I would advise the board to at this point to vote to reject the application unless--

MR. VAN LEEUWEN: We have no choice.

MR. LANDER: You said that we can ask him to waive that time period.

MR. KRIEGER: Yes, there are separate time periods forth in the town law, if the time periods are exceeded then an applicant has the right to go to court and say regardless of what the Planning Board wants, I want your court to order them to approve the subdivision because of exceeding the time and that such applications have been successful in the past.

MR. VAN LEEUWEN: Can I add something to that? I don't want to act until we have a letter signed by the applicant in the file.

MR. PETRO: We have a proxy.

MR. YANOSH: Isn't that after SEQRA has been determined?

MR. KRIEGER: There are a number of time periods, this is not the last time period involved but it is the first one that comes up in the Town Law. And considering--

MR. VAN LEEUWEN: Isn't there some litigation involved?

MR. KRIEGER: The litigation involves the neighboring subdivision.

MR. VAN LEEUWEN: One in the same.

MR. KRIEGER: Developed by the same proposed developer of this subdivision. There has been an attempt on the part of that subdivider to link the drainage, this was discussed before you came in, link the drainage of one lot to another in the course of that litigation that application or that attempt has been rejected. But the drainage calculations that were submitted in connection with that litigation apparently are also supposed to--

MR. VAN LEEUWEN: Normally, in the past what we have done, wait until the litigation is over.

MR. KRIEGER: The litigation that is ongoing is with respect to the neighboring subdivision. It's not directly with respect to this one. It's fairly on in the process at this point if the applicant is willing to waive the time period to allow the application. This application to go forward, I don't see any problem with the Planning Board doing certainly until that litigation is resolved, I would advise the board not to consider final approval of this.

MR. PETRO: Do we have the proxy from Dan Yanosh to represent this application?

MS. MASON: We have two, one from Mrs. Rakowiecki authorizing Park Road Construction and one from Ed

Biagini authorizing Dan Yanosh.

MR. LANDER: Andrew, let me rephrase my question. Can we afford him the chance to waive that time limit at this point?

MR. KRIEGER: Yes. That is one of the options, yes.

MR. LANDER: Well, Mr. Yanosh--

MR. YANOSH: There's no problem with waiving, I just never, you know, I have done subdivisions, I know that there's a timeframe after SEQRA, there's a timeframe after public hearing, I have no problem with waiting.

MR. KRIEGER: There is a timeframe after the Health Department approval, there are a number of time frames that are set forth, not only in the local law but state law.

MR. YANOSH: There's no problem with waiving the timeframe on the approval.

MR. KRIEGER: We'll consider that waiver to be in force unless and until you or your principal says differently to keep going through this repeatedly.

MR. YANOSH: I'm in no position to say let's vote on it tonight, that is for sure. I've just never seen that happen before.

MR. VAN LEEUWEN: I think maybe we as a board should go out and take a look see what the problems are.

MR. LANDER: I think so too.

MR. VAN LEEUWEN: Let's go out and take a look see what the problems are.

MR. LANDER: Dan, we have on the map existing house off Station Road on lot 27.

MR. YANOSH: Yes, that is where Mrs. Rakowiecki lives today.

MR. LANDER: So we can probably go through that end.

MR. YANOSH: What we have attempted to do, the drainage study shows to take whatever drainage that we're going to use from this proposed subdivision up here and we size our pipes big enough to handle down Ashley, down through one of the lots over here, reroute the drainage through a different spot, enlarge the piping and take care of it that way. Comments back from Mark's office, yes, we'll address all those comments.

MR. VAN LEEUWEN: What we have got to do check see what's going on downstream, Dan.

MR. YANOSH: We've done that, the study was done for this submission, approved by the board and everybody. Back then, some of the pipe sizes were not right. I have no idea. I'm not an engineer. There's a design problem down in here. We're trying to take care of that problem with Mark. The lawsuit is in litigation, part of our solution is to take care of some of the drainage and pipe it off a different way and take care of the situation. We're working on it, as soon as I get comments back, we'll take care, we'll work with the board.

MR. KRIEGER: In connection with the lawsuit, it has not been determined, it's not necessarily a design problem. It may be an execution problem, that is still somewhat up in the air.

MR. VAN LEEUWEN: I don't know too much about it, I really didn't know at first who even owned it.

MR. PETRO: Okay, noted for the minutes, the bulk table is incorrect and still reflects central sewer. This should be corrected. There's also some other housekeeping comments on Mark's comments, you can take care of them.

MR. EDSALL: If I can add something else, again given some difficulty with the scale, I think what we need is a blowup as well. The one I refer to in my comments are relative to lot 2 because I'm not quite sure what some of these rectangular shaped items are, if they are

building structures, accessory buildings along the property line between 1 and 2. You may have setback problems so we need to have dimensions from the proposed line to all of these items and they should be identified as to what they are.

MR. PETRO: Looks like again we have another house or something right on the property line of lot number 3 there so obviously, we can't create a property line and create a non-conforming.

MR. EDSALL: For the overall survey, the scale is fine but wherever sanitaries, wells or structures are involved, we need to have that blown up so we can use it.

MR. YANOSH: No problem.

MR. PETRO: Before we schedule a public hearing, I really feel that the board should have some more information on the drainage because there's going to be people here, you can come that night and say it's not completed yet, I want to have that put to bed so to speak and we'll schedule a public hearing.

MR. VAN LEEUWEN: I'd like to see the board go out and take a look.

MR. PETRO: We can schedule a site visit and would you or your applicant like to be at that site visit, that can be arranged?

MR. STENT: Did Mark say that the drainage problem is going to to be inherent as part of this application? Did you say that the drainage has something to do with this application at the same time?

MR. EDSALL: I know that the drainage problem that is being discussed in connection with the litigation apparently involved discussions for this. Andy indicates that they have separate the two issues which it may be fine as far as the court's concerned but we still need the drainage report. I didn't know that they are tied together.

MR. KRIEGER: Basically, what the situation is there was a proposal by the subdivider who is one in the same that the, in connection with a proposed drainage solution for the other lawsuit, that that drainage be also guaranteed by the Town Engineer to be enough drainage to handle this site as well. That was rejected and that is off the table. It was indicated that the town would do no such thing. So they have apparently sized that proposed drainage which is not in that proposed drainage to allow them to make an argument before this board in connection with that subdivision, that that drainage is adequate to handle the drainage. Whether such an argument is made or has any validity, I don't know.

MR. STENT: We can't act on anything until that problem is solved.

MR. YANOSH: So we're going to wait for a letter from Mark's office agreeing with our drainage report, if everything is satisfied that way I guess then we can come back.

MR. EDSALL: My information now is that Dick McGoey, who is representing the town relative to the drainage issues being discussed in this area, that the responses have already been issued to the original report and we're now in fact waiting for a new report back.

MR. YANOSH: I haven't gotten anything back.

MR. PETRO: On the map, can you show me where the house and sanitary system for lot 3 is?

MR. YANOSH: It's shown up in here (indicating).

MR. PETRO: Fire approval on 2/22/95. Let's get something on the drainage and we'll see you at the next meeting. Meantime, we'll set up a site visit. You'll be notified and you're welcome to join us. Thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: RAKOWIEKI (PARK ROAD CONSTRUCTION) SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT (BEAVER DAM LAKE AREA)
SECTION 57-BLOCK 1-LOT 88.2
PROJECT NUMBER: 94-21
DATE: 22 FEBRUARY 1995
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF A
151.7 +/- ACRE PARCEL INTO THREE (3) SINGLE-FAMILY
LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE
25 JANUARY 1995 PLANNING BOARD MEETING.

1. The revised plan now proposed an on-site sanitary disposal system for Lot 1. This sanitary system appears to be exactly 200 foot from a proposed well for an adjoining lot off Ashley Court. Given the scale (1" = 100') for this "detail Lot 1", and my unfamiliarity with the accuracy of the aerial topography shown, I am not prepared to accept the sanitary system placement. A more detailed plan of this area should be submitted.
2. The bulk table indicated for Lot 1 is incorrect in that it still reflects central sewer. This should be corrected.
3. The Applicant has indicated designs for the proposed sanitary systems for proposed Lots 1 and 3. The Board should determine whether soil testing must be witnessed by a representative of our office.
4. As is indicated in the Applicant's Surveyor's response letter, a drainage report has been prepared by the project engineer to address drainage concerns in this area. In a separate memorandum from our office dated 13 February 1995, comment has been made with regard to this drainage report. This remains an open issue which should be resolved. In connection with this matter, I believe the Planning Board has not yet received all the information they have requested relative to the SEQRA review. As such, although you are the Lead Agency at this time, I do not believe you have sufficient information to reach any conclusions with regard to environmental significance.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: RAKOWIEKI (PARK ROAD CONSTRUCTION) SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT (BEAVER DAM LAKE AREA)
SECTION 57-BLOCK 1-LOT 88.2
PROJECT NUMBER: 94-21
DATE: 22 FEBRUARY 1995

5. In my previous review comments I noted that further subdivision is proposed at this site. As such, I suggested that the Board review, with the Applicant, concept drawings for the anticipated future subdivision. It is my understanding from a review of the Surveyor's transmittal letter that a concept drawing has been submitted for review. The Board should review this plan with the Applicant at this meeting.
6. The Planning Board should determine if a **Public Hearing** will be necessary for this **minor subdivision**, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
7. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:RAKOW3.mk

PARK ROAD CONSTRUCTION SUBDIVISION (94-21) STATION ROAD

Mr. Dan Yanosh appeared before the board for this proposal.

MR. PETRO: Okay, proceed.

MR. YANOSH: We were here, Frances Rakowiecki owns 151 acre parcel on Station Road, it abuts Ashley Court, Ridgeview Road and Park Road Construction is handling the subdivision. Lot number one which abuts Ashley Court and Ridgeview Road is a 34.4 acre parcel of land. Lot number 2 has existing barn and house that is 97 acres and lot number 3 would be 18 acres, which is the rest of the frontage along Station Road which the new house will be built on and this is similar to the one before, we showed the subdivision here on lot number one. What we're doing now just quick and easy just cut off lot 1, 2 and 3 so we can get on to subdividing lot number one, Mrs. Rakowiecki can retain ownership of 2 and lot 3 she has a buyer for lot number 3 so instead of waiting for the whole process, we'd like to do a 3 lot subdivision and in the future resubdivide lot number one.

MR. PETRO: As far as lot number one is concerned, just say not for residential use at this time. The Town of New Windsor doesn't accept that as a classified use so you're going to have to show it as a building lot and show the sewer either tie into the sewer or going to have to show a sanitary system location on the map as well as water supply or well location.

MR. BABCOCK: Dan, one thing further on that depending on the sewer availability or water availability depends on the lot size so when you are doing your tables on lot size, that is what we need to do. If you are going to do septic, it's one acre.

MR. YANOSH: No, we discussed this before, I've got a letter in to the town, he's going to buy the sewer capacity from Majestic Weaving so that is still in the process. I guess we're still negotiating, the town is working too on numbers and gallonages and things like that so that will be concerned with lot number one,

okay, so we're going tie into the sewers for lot number one.

MR. BABCOCK: But now, that is the whole question is right now.

MR. YANOSH: I'll have to check on that then, okay.

MR. BABCOCK: We know in the future you're going to extend the sewer line up Ashley into this property but right now, are you going to run a lateral down that for one house?

MR. YANOSH: I'll have to check. We propose at the end of Ridgeview, we might be able to connect in quicker.

MR. BABCOCK: You might have to show a disposal system.

MR. VAN LEEUWEN: Absolutely, you have to show it on lot number 3.

MR. YANOSH: There's a septic design for lot number 3, we've taken care of that. There is a manhole on Ashley, we might be able to extend it.

MR. VAN LEEUWEN: They will not let you.

MR. YANOSH: Yes, a lateral, you're right, okay.

MR. VAN LEEUWEN: They won't let you.

MR. YANOSH: Just a lateral.

MR. PETRO: As far as the wetlands on the map go, I mean obviously, there's nothing that is going to encroach on the house itself, this overlay is from a field, done from a field or from a larger map?

MR. YANOSH: Federal wetlands field.

MR. PETRO: You have done it yourself?

MR. YANOSH: Yes, the first plan had us buying this section up here in front and this finger going down

this way, if you can remember, we found that that was wet in there, that is why we changed the layout and the property.

MR. PETRO: You said federal wetlands?

MR. YANOSH: Yes, this is something that we would like in the future, that lot, Ashley coming up, there's your wetlands strip right in there we're able to fill an acre under the permit applications.

MR. DUBALDI: You're not going to disturb the wetlands at all?

MR. YANOSH: This application, no.

MR. DUBALDI: With this application, you're not going to disturb the wetlands at all?

MR. YANOSH: No, that is right

MR. VAN LEEUWEN: Why can't we have this line go from this corner to this corner? Why have the line going like this?

MR. YANOSH: There are fields, this is a cornfield, this is a field, this is a field. The original plan that we had the line was drawn up in here and we were going to take this long L strip piece of property, we found that this was federal wetlands so we decided we couldn't buy that because it was a wetland area, we did want to go this way, but it encroaches into one of the fields. She wants to keep her fields for farming for a few more years. We went up to the stone wall, there is a natural boundary of a stone wall that was the layout.

MR. VAN LEEUWEN: Well, I can't see why he can't come from number 184.23 straight down. That is what I just asked him, okay.

MR. PETRO: Instead of?

MR. VAN LEEUWEN: Going along stone wall fences, it really makes a much--he's got two jogs in there this way there wouldn't be, it would be straight across, I'd

rather see it that way. I think it looks nicer for a subdivision.

MR. YANOSH: This stone wall separates cultivated fields, there's a stone wall right here, this is an open field and Mrs. Rakowiecki did not want to sell any of her cultivating fields. It was a hard enough time getting her to sell this open field right here. She didn't want us, we did have a line going through here but she didn't like it.

MR. PETRO: As opposed to this jog right here?

MR. DUBALDI: You said she wanted to keep it for a certain period?

MR. YANOSH: She's still farming it.

MR. VAN LEEUWEN: She doesn't have cattle.

MR. YANOSH: It's cornfields up in there right now.

MR. VAN LEEUWEN: Well, I think you should discuss it with them.

MR. YANOSH: Ed was discussing it with her at one time.

MR. VAN LEEUWEN: Makes a much nicer looking plan.

MR. YANOSH: It would but whatever she wants to sell, we're looking to buy, she's looking to sell. It's just the agreement. I can put it to her that the board would like to see it that way.

MR. VAN LEEUWEN: Don't you think so?

MR. PETRO: I agree, it would be nicer. I don't think it's imperative but I would suggest that we're not going to take action, he can go back and talk to her and find out maybe she would agree. It's a request of the board.

MR. VAN LEEUWEN: That is all I meant it to be, a request.

MR. YANOSH: Okay.

MR. PETRO: Are you familiar with the off-site problems that are--

MR. YANOSH: Yes, we're addressing them right now. We have plans to take--what we're doing now is we have done calculations already for this new drainage up here on all this new stuff, we're going to put on the map taking it down this way right here, cutting across the lots that she owns and going into the stream.

MR. PETRO: You realize there's problems off-site created by drainage from this area?

MR. YANOSH: Yeah, it's something that is not related to this, it's related to this approval but we're addressing it, yes, we're taking care of all that stuff.

MR. PETRO: I would suggest this also to you. Mark has a number of comments, I think one also should be addressed, get that straightened out on the map, find out about the property line. Do a location of the house and everything on lot one and I would also like to see a little more direction of what's happening with the off-site drainage, I know you just said that you are working on it, maybe at the next meeting some memos or some studies for the board.

MR. PETRO: I think we can take lead agency.

MR. DUBALDI: Make a motion we take lead agency under SEQRA.

MR. VAN LEEUWEN: I think it's a little early yet.

MR. YANOSH: It's only a 3 lot subdivision.

MR. PETRO: We're giving them some direction, plus I just--

MR. VAN LEEUWEN: Second it.

MR. PETRO: Motion has been made and seconded that the

New Windsor Planning Board declare itself lead agency on the Rakowiecki subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN AYE

MR. DUBALDI AYE

MR. PETRO AYE

MR. BABCOCK: One comment I have is that you should check to see where the sewer line is. I'm talking about property lines, whether you're in the sewer district or not with this property, there's sewer district boundary lines. Certain properties are in the sewer district and certain properties aren't. I don't know where this is, that is right there somewhere, the line is.

MR. YAHOSH: Do you have a map in your office?

MR. BABCOCK: Yes.

MR. YANOSH: I'll stop by in a day or two.

MR. PETRO: Thank you.

RESULTS OF P.B. MEETING

DATE: February 22, 1995

PROJECT NAME: Park Rd. Const. - Sub. PROJECT NUMBER 94-21

LEAD AGENCY:

* NEGATIVE DEC:

M)___ S)___ VOTE: A___ N___

* M)___ S)___ VOTE: A___ N___

CARRIED: YES___ NO___

* CARRIED: YES:___ NO___

PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

WAIVED: YES___ NO___

SEND TO OR. CO. PLANNING: M)___ S)___ VOTE: A___ N___ YES___ NO___

SEND TO DEPT. OF TRANSPORT: M)___ S)___ VOTE: A___ N___ YES___ NO___

DISAPP: REFER TO Z.B.A.: M)___ S)___ VOTE: A___ N___ YES___ NO___

RETURN TO WORK SHOP: YES ☒ NO___

APPROVAL:

M)___ S)___ VOTE: A___ N___ APPROVED:___

M)___ S)___ VOTE: A___ N___ APPR. CONDITIONALLY:___

NEED NEW PLANS: YES___ NO___

DISCUSSION/APPROVAL CONDITIONS:___

Asked Dan Ygnosh for the flood zone forms

Dan Ygnosh has represented that time frames will be waived

Bulk table must be corrected for Lot #1

Need blow-up for lot #2

Need more info on drainage before P.H.

Site Visit

Daniel P. Yanosh

LICENSED LAND SURVEYOR

Route 302, P.O. Box 320
Circleville, N.Y. 10919

94 - 21

Daniel P. Yanosh, L.L.S.
Kevin J. Wild, L.L.S.

Tel: 914-361-4700
Fax: 914-361-4722

February 10, 1995

Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

RE: Rakowieki (Park Road Construction) Subdivision
Project # 94-21

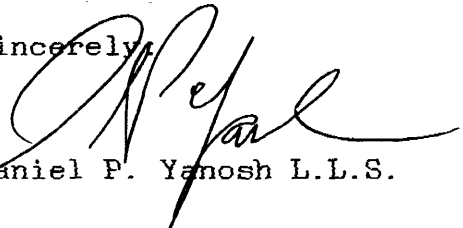
Dear Mark:

As per your comment letter dated January 25, 1995, and the Planning Board meeting of January 25, 1995, enclosed are revised plans with the following items addressed.

- 1a. Lot # 1 now shows a proposed house, well and septic system. Percolation and deep test pits were done in the field on March 8th 1994. The results of these tests and the septic design are shown on Sheet 2 of 2.
- 1b. No comment necessary.
- 1c. No comment necessary.
- 1d. No comment necessary.
- 1e. No disturbance of the Federal Wetlands area is proposed at this time. At such time that the residential subdivision of Lot # 1 commences, we will make application to the Army Corps of Engineers to verify our location, and will at that time apply for permission to fill up to the 1 Acre allowed by law.
The drainage problems with the Mecca Drive-Park Road development are presently being addressed. Plans, and a drainage report, prepared by Victor H. Erikson, P.E., has been submitted to the Town for their review and comments. This new drainage design will be able to handle the future development of Lot # 1 when it is developed.
2. A new proxy statement is enclosed which authorized myself to represent the applicant at the Planning Board meetings.
2. A new short form E.A.F. is enclosed.

3. A concept drawing for the future development of Lot # 1 is enclosed for review.
4. The Planning Board at their January 25th, 1995 meeting declared themselves Lead Agency under the SEQRA process.
5. No comment necessary.

Sincerely,



Daniel P. Yanosh L.L.S.

cc: Ed Biagini
Victor H. Erikson

elw/L-93054

RESULTS OF P.B. MEETING

DATE: January 25, 1995

PROJECT NAME: Park Rd. Corat. Sub. PROJECT NUMBER 94-21

LEAD AGENCY:

* NEGATIVE DEC:

M) D S) V VOTE: A 3 N 0

* M) S) VOTE: A N

CARRIED: YES ✓ NO

* CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

* Show lot #1 as a building lot.
Get Proxy Statement for growth
Get flood forms
try to get lot squared off
Address Mark's Comments.
Address off-site drainage

ANDREW S. KRIEGER
ATTORNEY AT LAW
219 QUASSAICK AVENUE
SQUIRE SHOPPING CENTER, SUITE 3
NEW WINDSOR, NEW YORK 12553
(914) 562-2333

November 14, 1994

James Petro, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: Grove Homes

Dear Jim:

For your information and that of the members of the Planning Board, there is litigation presently pending in the Orange County Supreme Court between the Town and Park Road Corp. whose principal is Edward Biagini. This litigation concerns the subdivision entitled Grove Homes which subdivision was approved by this Board in 1991. The undersigned has been appointed to represent the Town in this litigation.

The questions in this litigation involve the drainage on the site. It is the position of the Town Engineer and the Town that the drainage as it exists on this site departs radically from the drainage called for in the subdivision approved by this Board and that this departure has caused drainage systems that were approved by the Planning Board to become wholly inadequate and has caused serious and extensive damage to roadways and properties in the subdivision. Mr. Biagini seeks to have the Supreme Court order the Town of New Windsor to issue a certificate of occupancy to him for one of the lots in the subdivision without requiring him to take any steps to comply with the subdivision or the directions of the Town Engineer or building inspector.

On information and belief Mr. Biagini (possibly through a corporate entity) has or will shortly propose a subdivision of lands directly adjacent to the Grove Homes subdivision. Also on information and belief this new proposed subdivision will call for the drainage of its lands into the drainage

system of the Grove Homes subdivision which is the subject of the present litigation. Since it is the position of the Town that the drainage system as it now exists in the Grove Homes subdivision is inadequate, the serious consideration of this Board is urged before any approval is given to Mr. Biagini to further burden this drainage system.

I have asked the Planning secretary to make copies of this letter available to the members of the Planning Board and I ask that any of you who have any questions contact me at my office and I will be happy to answer any such questions.

Thank you.

Very truly yours,



ANDREW S. KRIEGER

ASK:mmt

RAKOWIEKI, FRANCES SUBDIVISION (94-21) STATION ROAD

Daniel Yanosh appeared before the board for this proposal.

MR. YANOSH: This is Rakowieki, Mrs. Rakowieki is the owner of 151 acre parcel of land, R-3 Zone, runs mostly on Station Road. It does have access to Ashley Court which is in the Mecca subdivision, also Ridgeview Road, which is older previously approved subdivisions. Park Road Construction is the subdivider. The initial intent is to extend Ashley Court up through, extend Ridgeview Road up in and connect the loop right around through here. Lots 1 through 9 would have frontage on the new proposed road, all of them would be in the area of three quarters of an acre and one lot 5 is short by a few square feet. We can change that. Zoning for the area is 3/4 of an acre. The remainder of the property, lot number ten, would be for future subdivision. Park Road Construction has a contract to buy the entire parcel here, this is a total of 40 acres, lots 1 through 10, which is what Park Road Construction would be buying this whole piece in here. This is most of the wooded area of the lot extends through here, anyway most of this area in here is all of the fields, she still wanted to control that. Lot number 11 will contain the existing house and barn that is on the farm. Lot number 12 which would have major frontage on Station Road it is proposed for single-family house and detail for that will be shown over here. The services for the proposed road in this area up here next to Mecca will be drilled wells and sanitary sewer. Park road is in contract and discussion to purchase additional sewer capacity from the Majestic Weaving and when that all gets into effect, we'll be working on that plan as it goes along.

MR. VAN LEEUWEN: How many lots is he subdividing immediately?

MR. PETRO: Ten. Mark, just refresh my memory slightly, this Ashley Court down here, is that the one of the hot spots, water problem on that cul-de-sac there?

MR. EDSALL: Very coincidentally, there was a meeting Tuesday, yesterday, relative to the Park Road Construction Corporation subdivision which is currently not dedicated to the town to my knowledge, but in fact is the road named Ashley Court up on the top right. The extension of that road is the subdivision and we currently are experiencing drainage problems. This in an area of that subdivision. So as you'll note in my comments, one of the issues I believe has to be resolved either from changes to the Park Road subdivision or if it requires changes in interconnections to this subdivision, that should occur.

MR. YANOSH: I think all the drainage there, in the manner that the proposed road will drain from the top of Ridgeview all the way around back down towards Ashley so improvements will have to be done along Ashley to connect everything together.

MR. EDSALL: I believe if I am correct, the gentleman who is the applicant on this application, same gentleman as the other ongoing subdivision, he appears to have some hesitancy in putting piping and improvements in Ashley Court. I can only see this as making the situation worse.

MR. YANOSH: If we're going to take care of this drainage downhill this way, we're going to have to improve it somehow. There's an easement in the back behind some of the lots and he still has ownership of this lot and this lot here, I think.

MR. EDSALL: You were at that meeting, Jim, so I believe that would lead us to believe that the catch basins that may not be necessary solely for Ashley may not be absolutely necessary if they intend to extend the road so I would so advise.

MR. VAN LEEUWEN: Get together with our engineer and come up with some.

MR. YANOSH: There's no problem there.

MR. EDSALL: Ed Biagini is already getting together

with Dick Mc Goey, Dan can pass on the board's concern that they not avoid the inevitable.

MR. PETRO: This just puts icing on the cake, if they had any question about it before, it's been answered.

MR. EDSALL: He should go ahead and come up with that design.

MR. PETRO: If you get a copy of Mark's comments, here, a lot of these you can deal with Mark, such as the cul-de-sac, how you're going to eliminate it and we don't need to be involved with that.

MR. DUBALDI: I think the lot numbers should be clarified a little bit too. I see tens are all over the place.

MR. YANOSH: What we show is--

MR. DUBALDI: I see a lot ten here and there's another lot ten.

MR. YANOSH: He numbered the, we're starting here 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

MR. DUBALDI: So 11 and 12 are not going to have sewer?

MR. YANOSH: Correct, 11 has existing dwellings and septic and lot 12 will have a septic and well.

MR. PETRO: You have done perc test and you're trying to get into the sewer?

MR. YANOSH: We tried to do percs and they wouldn't--

MR. PETRO: There are still points available from Majestic?

MR. YANOSH: Yes.

MR. PETRO: Do we want to go further?

MR. VAN LEEUWEN: I think those things should be cleared up.

MR. YANOSH: Sketch plan looks okay, there's no--

MR. PETRO: Conceptually, I don't have any problem with it, as long as everything else works out, as far as the sewer and drainage drainage is a big thing. It's the people down towards Mecca Drive and Ashley Court already are full of water, that is for sure. Anything else, Henry, Ron?

MR. VAN LEEUWEN: Not at this moment.

MR. EDSALL: Just a concept plan for preliminary and we'd want all the improvements shown.

MR. YANOSH: Sure.

MR. PETRO: I told him I didn't have a problem. Any other members, do you want to vote on it?

MR. EDSALL: I'm saying I have no problem as concept plan but we have got to make sure that the applicant hears through Dan the fact that they've got a lot more information to provide.

MR. HANOSH: Oh, yes.

MR. VAN LEEUWEN: Have you got the engineer's comments?

MR. YANOSH: Yes, got them here, I just got them tonight.

MR. VAN LEEUWEN: If we get them straightened out.

MR. PETRO: I can tell you anything is possible to have, we might be having a public hearing on this subdivision and if that is going to be the case, I'll assure you that you are going to--

MR. EDSALL: We have to.

MR. PETRO: You will have a room full of people because of the problems. So I really suggest that the homework is done on the drainage. Did I say that correct?

MR. VAN LEEUWEN: You stated that one correctly.

MR. EDSALL: Very well.

MR. YANOSH: Can you give me a point of reference? I'm not from the area, people live on Ridgeview Road, I drive in this area, do you think they are going to come out and discuss traffic problems?

MR. VAN LEEUWEN: The room will be full.

MR. PETRO: Mostly from Mecca Drive up towards Ashley Court, lot of problems, put the big ditch down there. There's a lot of headaches.

MR. YANOSH: We'll get that underway then, take care of it, thank you.

RESULTS OF P.B. MEETING

DATE: August 12, 1994

PROJECT NAME: Rakowski Sub. PROJECT NUMBER 94-21

LEAD AGENCY:

* NEGATIVE DEC:

M) S) VOTE: A N

* M) S) VOTE: A N

CARRIED: YES NO

* CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Address Mark's comments



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
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(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: RAKOWIEKI MAJOR SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT
(ADJOINING PARK ROAD CONSTRUCTION CORP.
SUBDIVISION)
PROJECT NUMBER: 94-21
DATE: 10 AUGUST 1994
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF A
151.7 +/- ACRE PARCEL INTO TEN (10) SINGLE-FAMILY
RESIDENTIAL LOTS. THE PLAN WAS REVIEWED ON A
CONCEPT BASIS ONLY.

1. The project appears to be located within the R-3 Zoning District. It adjoins the R-4 Zoning District and the division line is depicted on Sheet 2 of the drawings.
2. The project is proposed with central (Town) sewer and individual wells. The "required" bulk information shown on Sheet 2 appears correct for this zone and use classification.

Each lot appears to comply with the minimum bulk requirements, with the exception of Lot 5 which appears to indicate insufficient lot area.

3. The Board should review the concept layout of the proposed subdivision, which interconnects Ashley Court with Ridge View Road. A field review of this application may be appropriate.
4. As part of a conceptual review of the plan, I note the following:
 - a. The status of the Ashley Court and related roadway improvements should be determined. I believe these roads have not yet been dedicated to the Town. The status of the infrastructure improvements should also be determined.
 - b. The filed location of the right-of-way to this property from Ashley Court should be verified into the records.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: RAKOWIEKI MAJOR SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT
(ADJOINING PARK ROAD CONSTRUCTION CORP.
SUBDIVISION)
PROJECT NUMBER: 94-21
DATE: 10 AUGUST 1994

- c. The Applicant should be reminded that the Town of New Windsor is currently under a Sewer Moratorium. As such, if this application is to proceed with the proposed (new) sewer collection lines, other methods to permit the sewer extension (such as capacity purchase from the Majestic Weaving District) should be identified into the record.
 - d. The Board should note the proposed future roads and, specifically, the length of the future cul-de-sac roadways.
 - e. It is my understanding that drainage problems currently exist in the Park Road Construction Corp. subdivision. As such, these should be investigated as part of this subdivision to determine if additional improvements are required or if those problems will effect this proposed subdivision.
 - f. It should be determined if any additional improvements are required on Ridge View Road to bring same to adequate condition for extension into this subdivision.
 - g. The appropriate manner for abandonment of the cul-de-sac of Ashley Court, once this road is "looped" should be determined.
5. The Applicant has submitted a Short Environmental Assessment Form for this application. It is my opinion that this application form is inadequate for this size project. As such, I recommend that the Board request a completed Full Environmental Assessment Form for the SEQRA application.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 3**

REVIEW NAME: RAKOWIEKI MAJOR SUBDIVISION
PROJECT LOCATION: OFF ASHLEY COURT
(ADJOINING PARK ROAD CONSTRUCTION CORP.
SUBDIVISION)
PROJECT NUMBER: 94-21
DATE: 10 AUGUST 1994

6. Once the Planning Board has completed their concept review of this application and further detailed plans are received, I will be pleased to continue my detailed review of the project.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:RAKOW.mk

SUBDIVISION FEES - TOWN OF NEW WINDSOR

MAJOR SUBDIVISION FEES:

APPLICATION FEE.....\$ 150.00

ESCROW:

RESIDENTIAL:

4 LOTS @ 150.00 (FIRST 4 LOTS).....\$ 600.00
8 LOTS @ 75.00 (ANY OVER 4 LOTS).....\$ 600.00

COMMERCIAL:

___ LOTS @ 400.00 (FIRST 4 LOTS).....\$ _____
___ LOTS @ 200.00 (ANY OVER 4 LOTS).....\$ _____

TOTAL ESCROW DUE....\$ 1200.00

APPROVAL FEES MAJOR SUBDIVISION:

PRE-PRELIMINARY PLAT APPROVAL.....\$ 100.00
PRELIMINARY PLAT APPROVAL (150.00 OR 15.00/LOT).....\$ _____
FINAL PLAT APPROVAL (\$100.00 + \$5.00/LOT).....\$ _____
FINAL PLAT SECTION FEE.....\$ 150.00
BULK LAND TRANSFER...(\$100.00).....\$ _____

TOTAL SUBDIVISION APPROVAL FEES.....\$ _____

RECREATION FEES:

___ LOTS @ \$1000.00 PER LOT.....\$ _____

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES.....\$ _____
PLANNING BOARD ATTORNEY FEES.....\$ _____
MINUTES OF MEETINGS.....\$ _____
OTHER.....\$ _____

PERFORMANCE BOND AMOUNT.....\$ _____

5% OF ABOVE AMOUNT.....\$ _____

ESTIMATE OF PRIVATE IMPROVEMENTS: \$ _____

4% OF FIRST \$50,000.00 OF ABOVE:.....\$ _____

2% OF REMAINDER OF ABOVE:.....\$ _____

TOTAL INSPECTION FEE DUE:.....\$ _____



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 94- 21

DATE PLAN RECEIVED: RECEIVED JAN 4 1996 Rev6

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of
Francis J. Rakowick _____ has been

reviewed by me and is approved ☒ _____,

~~disapproved~~ _____.

~~If disapproved, please list reason~~ _____

There is no town water in this
area.

HIGHWAY SUPERINTENDENT _____ DATE _____

Steve DiDio CAW 1-15-96
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector Robert F. Rodgers ,C.C.A.

DATE: 16 January 1996

SUBJECT: Rakowieki Subdivision

Planning Board Reference Number: PB-94-21

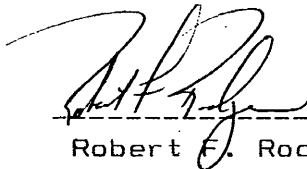
Dated: 4 January 1996

Fire Prevention Reference Number: FPS-96-007

A review of the above referenced subdivision plan was conducted on 12 January 1996.

This subdivision plan is acceptable.

Plans Dated: 13 December 1995 Revision 6



Robert F. Rodgers, C.C.A.
Fire Inspector

RFR/dh



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, **HIGHWAY**

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **94- 21**

DATE PLAN RECEIVED: **RECEIVED JAN 4 1996** *Rev. 6*

The maps and plans for the Site Approval _____
Subdivision ✓ _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ✓ _____,
disapproved _____.

If disapproved, please list reason _____

W. James O'Neil 01-17-96
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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45 Quassaick Ave. (Route 9W)
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**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF NEW WINDSOR

P/B # 94-21

WORK SESSION DATE: 6 DEC 95

APPLICANT RESUB.
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: NO

PROJECT NAME: Rakowicki

PROJECT STATUS: NEW X OLD X

REPRESENTATIVE PRESENT: Dan V.

MUNIC REPS PRESENT: BLDG INSP. ice mtk
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

— They want to address all the
future development issues as
part of SEQRA of future app. Said
Rakowicki atty should contact Andy.

— restrictions on Lot 1 because of
potential downstream drainage
impacts (only road/prop)
to see Andy
f.

4MJ91 pbwsform



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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WILLIAM J. HAUSER, P.E.
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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 94 21
WORK SESSION DATE: 2 Aug 1995 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: Yes REQUIRED:
PROJECT NAME: Rakowietz
PROJECT STATUS: NEW OLD X
REPRESENTATIVE PRESENT: Dan Yurish
MUNIC REPS PRESENT: BLDG INSP. VAC
FIRE INSP. Bob
ENGINEER X
PLANNER
P/B CHMN.
OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

→ Tim Miller - Traffic engineer doing study - he
will send me a copy of intersection
to be studied
- determine where Krieger is with DEIS -

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553



NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **94 - 21**

DATE PLAN RECEIVED: **RECEIVED JUN 14 1995** *Rev 5*

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by _____
_____ for the building or subdivision of _____
_____ has been
reviewed by me and is approved _____
disapproved ☒ _____

If disapproved, please list reason *Map shows no*

location of proposed house.

Fred Hayes *7/18/95*
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553



1763

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **94- 21**

DATE PLAN RECEIVED: **RECEIVED JUN 14 1995 Rev 5**

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by _____

_____ for the building or subdivision of _____

Frances J. Rakowicki _____ has been

reviewed by me and is approved ☒

~~disapproved~~ _____

~~If disapproved, please list reason~~

There is no town water in this area.

HIGHWAY SUPERINTENDENT DATE

Steve D.D.O. CAMS- 6-21-95
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 21 June 1995

SUBJECT: Rakowski Subdivision

Planning Board Reference Number: PB-94-21

Dated: 14 June 1995

Fire Prevention Reference Number: FPS-95-036

A review of the above referenced subject subdivision plan was conducted on 21 June 1995.

This subdivision plan is acceptable.

Plans Dated: 4 April 1995 Revision 5

Robert F. Rodgers, CCA.
Robert F. Rodgers, J.C.A. (mvz)
Fire Inspector

RFR/mvz

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 22 May 1995

SUBJECT: Rakowieki Subdivision

Planning Board Reference Number: PB-95⁴-21
Dated: 11 May 1995
Fire Prevention Reference Number: FPS-95-029

A review of the above referenced subject subdivision plan was conducted on 19 May 1995.

This subdivision plan is acceptable.

Plans Dated: 4 April 1995 Revision 3

Robert F. Rodgers, C.C.A. (mvz)
Robert F. Rodgers, C.C.A.
Fire Inspector

RFR/mvz



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 94-21

DATE PLAN RECEIVED: RECEIVED MAY 11 1995 Rev 4

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

Frances J. Rakowski has been

reviewed by me and is ~~approved~~ _____

~~disapproved~~ _____

If disapproved, please list reason _____

There is no town water in this area

HIGHWAY SUPERINTENDENT DATE

Steve D. Di Carlo CAW
WATER SUPERINTENDENT

5-24-95
DATE

SANITARY SUPERINTENDENT DATE

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 24 April 1995

SUBJECT: Rakowieki Subdivision

Planning Board Reference Number: PB-94-21

Dated: 6 April 1995

Fire Prevention Reference Number: FPS-95-025

A review of the above referenced subject subdivision plan was conducted on 21 April 1995.

this subdivision plan is acceptable.

Plans Dated: 4 April 1995, Revision 5


Robert F. Rodgers, C.C.A.

RFR/mvz

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553



1763

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., ~~WATER~~, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 94- 21

DATE PLAN RECEIVED: RECEIVED APR 6 1995 Rev3

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

Frances J. Rakowicki has been

reviewed by me and is approved ☒

~~disapproved~~ _____

~~If disapproved, please list reason~~ _____

There is no town water in this
area

HIGHWAY SUPERINTENDENT DATE

Steve D.D.O. CMAA 4-20-95
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, ~~HIGHWAY~~

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 94- 21 Rev 2

DATE PLAN RECEIVED: RECEIVED FEB 15 1995

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by _____
_____ for the building or subdivision of _____
_____ has been
reviewed by me and is approved _____,
disapproved ☒ _____.

If disapproved, please list reason Lot #1 is a
wet area, free no drainage plans.

J J Aydk 2/23/95
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 94- 21

DATE PLAN RECEIVED: RECEIVED JAN 19 1995

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by _____

_____ for the building or subdivision of _____

_____ has been

reviewed by me and is approved _____

disapproved ✓ _____

If disapproved, please list reason _____

Would like more details as to where driveway
will be entering town road.

77 ags 2/27/95
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: TOWN FIRE INSPECTOR
DATE: 22 FEBRUARY 1995
SUBJECT: RAKOWIEKI SUBDIVISION

PLANNING BOARD REFERENCE NUMBER: PB-94-21
DATED: 15 FEBRUARY 1995
FIRE PREVENTION REFERENCE NUMBER: FPS-95-12

A review of the above referenced subject subdivision plan was conducted on 22 February 1995.

This subdivision plan is acceptable.

Plans Dated: 10 February 1995; Revision 4


Robert F. Rodgers; CCA



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., ~~WATER~~ SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 94-21 Rev 2

DATE PLAN RECEIVED: RECEIVED FEB 15 1995

The maps and plans for the Site Approval Francis J. Rgkowiecki

Subdivision _____ as submitted by

Daniel P. Yanosh C.S. for the building or subdivision of

_____ has been

reviewed by me and is approved ☒

~~disapproved~~ _____

If ~~disapproved~~, please list reason _____

There is no town water in this area.

HIGHWAY SUPERINTENDENT _____ DATE _____

John D. D. Cemo - 2-21-95
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 23 January 1995

SUBJECT: Rakowski Subdivision

Planning Board Reference Number: PB-94-21
Dated: 19 January 1995
Fire Prevention Reference Number: FPS-95-002

A review of the above referenced subject subdivision plan was conducted on 19 January 1995.

This subdivision plan is acceptable.

Plans Dated: 23 March 1994

Robert F. Rodgers C.C.A. (mvz)
Robert F. Rodgers, C.C.A.

RFR/mvz



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Millford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor

P/B # 94-21

WORK SESSION DATE: 18 Jan 1995

APPLICANT RESUB.
REQUIRED: Yes

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: ~~Dayton~~

PROJECT STATUS: NEW X OLD X

REPRESENTATIVE PRESENT: Rakowski, Minor, Sub.

MUNIC REPS PRESENT: BLDG INSP. X
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

Day

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Leslie D did wetlands eval; layout subst. changed. (no photo written)
- need to resolve flow data calc re Majestic
- sewer possible P/S on Low Press SWR.
- 911 → Bob R.

next avail agenda.

4MJ91 pbwsform



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **94- 21**

DATE PLAN RECEIVED: **RECEIVED AUG - 8 1994**

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by _____

_____ for the building or subdivision of _____

_____ has been

reviewed by me and is approved _____

disapproved _____

If disapproved, please list reason No Comment until

I see further plans on this

Fred Sayre
HIGHWAY SUPERINTENDENT

8/29/94
DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 12 August 1994
SUBJECT: Rakowieki Subdivision

Planning Board Reference Number: PB-94-21
Dated: 8 August 1994
Fire Prevention Reference Number: FPS-94-042

A review of the above referenced subject subdivision plan was conducted on 11 August 1994.

For the Enhanced 911 emergency reporting system, the proposed roadway which abuts Ashley Court and the continuance of the roadway into the future subdivision, shall be known as Ashley Court.

The proposed roadway which abuts Ridge View Road and the continuance of the roadway into the future subdivision, shall be known as Ridge View Road.

The future roadway which abuts Finley Drive and the continuance of the roadway into the future subdivision, shall be known as Finley Drive.

This subdivision is acceptable.

Plans Dated: 23 March 1994

Robert F. Rodgers C.C.A. (mvz)
Robert F. Rodgers, C.C.A.

RFR/mvz

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM



1763

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **94- 21**

DATE PLAN RECEIVED: **RECEIVED AUG - 8 1994**

The maps and plans for the Site Approval _____
Subdivision Lands of Frances Rakowieki as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved _____,
disapproved ☒ _____.

If disapproved, please list reason no town water

HIGHWAY SUPERINTENDENT

DATE

WATER SUPERINTENDENT

DATE

SANITARY SUPERINTENDENT

DATE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Millford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

(TOWN) VILLAGE OF New Windsor P/B # -

WORK SESSION DATE: 6 April 1994 APPLICANT RESUB.
REQUIRED: Full

REAPPEARANCE AT W/S REQUESTED: Yes

PROJECT NAME: Rakowiecki Subdiv.

PROJECT STATUS: NEW X OLD

REPRESENTATIVE PRESENT: Dan Yanich

MUNIC REPS PRESENT: BLDG INSP. X
FIRE INSP. SK
ENGINEER X
PLANNER
P/B CHMN.
OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Station Rd - just N of B.G.
- Property not in sewer district
- One of the 3 lots to be to Ed Biagini
and resub w/connector road from
Ashley to Ridge View Rd
- Abandon cul-de-sac of Ashley.
- Leave future skids for thru rd to Station Rd
Dan Biagini



555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

"XX"

APPLICATION TO:
TOWN OF NEW WINDSOR PLANNING BOARD

17 TYPE OF APPLICATION (check appropriate item):

Subdivision ☒ Lot Line Chg. ☐ Site Plan ☐ Spec. Permit ☐

1. Name of Project _____
2. Name of Applicant Park Road Construction Phone 496-4124
Address P.O. Box 286, Salisbury Mills, NY 12577
(Street No. & Name) (Post Office) (State) (zip)
Frances J. Rakowiecki
3. Owner of Record Louis & Janet Nowicki Phone 496-4908
Address 423 Station Road, Salisbury Mills, NY 12577
(Street No. & Name) (Post Office) (State) (zip)
4. Person Preparing Plan Daniel P. Yanosh, L.L.S
Address P.O. Box 320, Circleville, NY 10919
(Street No. & Name) (Post Office) (State) (zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (zip)
6. Person to be notified to represent applicant at Planning Board Meeting Daniel P. Yanosh, L.L.S. Phone 361-4700
(Name)
7. Project Location: On the East side of Station Road
4,500 feet North of NYS Route 94
(direction) (street)
8. Project Data: Acreage of Parcel 151.71 Zone R - 3,
School Dist. Washingtonville
9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Y X N

If you answer "yes" to question 9, please complete the attached Agricultural Data Statement.

10. Tax Map Designation: Section 57 Block 1 Lot 88.2

11. General Description of Project: 3 lot residential subdivision

12. Has the Zoning Board of Appeals granted any variances for this property? yes X no.

13. Has a Special Permit previously been granted for this property? yes X no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

30th day of April 1996


Applicant's Signature



Notary Public

SUSAN M. SCALI

Notary Public in the State of New York

Residing in Orange County

***** My Commission Expires Mar-30-97 7/31/97 *****

TOWN USE ONLY:

Date Application Received

Application Number

IF APPLICABLE "XX"

**This form to be completed only if you answer "yes" to question #9 on the application form.

AGRICULTURAL DATA STATEMENT

1. Name and Address of Applicant:

Park Road Construction

PO Box 286, Salisbury Mills, NY 12577

2. Description of proposed project and its locations:

3 Lot Subdivision - On the east side of Station Road, 4,500

feet north of N.Y.S. Route 94

3. Name and address of any owner of land within the Agricultural District: (within 500' of subject parcel)

attached

4. Name and address of any owner of land containing farm operations located within 500 feet of the boundary of the subject property.

attached

5. A map is submitted herewith showing the site of the proposed project relative to the location of farm operations identified in this statement.



1763

July 31, 1995

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Park Road Construction Corp.
P.O. Box 286
Salisbury Mills, NY 12577

ATTENTION: MR. EDWARD J. BIAGINI, PRESIDENT

SUBJECT: APPLICATION FORM FOR - SUBDIVISION OF 57-1-88.2

Dear Mr. Biagini:

Please find enclosed the original copy of the application for subdivision of the "Lands of Rakowiecki". Please note that this application is incomplete as question Number 9 has not been answered. Upon completion of this form, return to the Planning Board Office for filing.

We thank you in advance for your cooperation in this matter.

Very truly yours,

Myra Mason
Myra Mason, Secretary to the
New Windsor Planning Board

~~MLM~~

cc: James Petro, Jr. - P.B. Chairman
A. Krieger, P.B. Attorney

X

PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

Louis Nowicki, deposes and says that he
resides at 423 Station Road, Salisbury Mills,
(Owner's Address)
in the County of Orange
and State of New York
and that he is the owner in fee of Tax Map Lot Section 57,
Block 1, lot 88.2
which is the premises described in the foregoing application and
that he has authorized Park Road Construction
to make the foregoing application as described therein.

Date: 5-3-96

Louis Nowicki
(Owner's Signature)

James Caspe James Nowicki
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

X

PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

Janet Nowicki, deposes and says that he
resides at 423 Station Road, Salisbury Mills
(Owner's Address)
in the County of Orange
and State of New York
and that he is the owner in fee of Tax Map Lot Section 57,
Block 1, Lot 88.2
which is the premises described in the foregoing application and
that he has authorized Park Road Construction
to make the foregoing application as described therein.

Date: 5-2-96

Janet Nowicki
(Owner's Signature)

Joanna R. Hunter
(Witness' Signature)

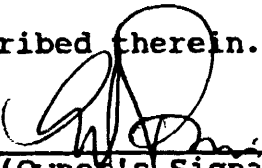
THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

Edward Biagini, deposes and says that he
resides at 114 Woodcock Mt. Road, Washingtonville, NY 10992
(Owner's Address)
in the County of Orange
and State of New York
and that he is the owner in fee of Park Road Construction

which is the premises described in the foregoing application and
that he has authorized Daniel P. Yanosh L.L.S.
to make the foregoing application as described therein.

Date: 2/14/95


(Owner's Signature)


(Witness' Signature)

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.**

PROJECT I.D. NUMBER

617.21

Appendix C

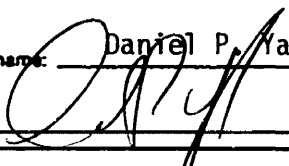
SEQR

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Francis J. Rakowieki		2. PROJECT NAME Property Survey & 3 Lot Subdivision - Lands of Frances J. Rakowieki	
3. PROJECT LOCATION: Municipality Town of New Windsor County Orange			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) East side of Station Road, 4,500+ feet north of N.Y.S. Route 94; and also being located at the westerly ends of Ashley Court, Ridgeview Road and Finley Drive.			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: Realty Subdivision of a 151.71 Acre parcel of land into the following 3 parcels: Lot # 1 consisting of 34.431 Acres and at the present time a single family home to be built on the lot. Lot # 2 consists of a 97.12 Acre parcel with the existing house barn and farm; and Lot # 3 containing 18.892 Acres to have a single family home built on.			
7. AMOUNT OF LAND AFFECTED: Initially 151.71 acres Ultimately 151.71 acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: Existing property is a dairy farm, surrounded by residential housing, wooded areas and other farmland.			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Subdivision approval from the Town of New Windsor Planning Board.			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: Daniel P. Yanosh L.L.S.		Date: Feb 10, 1995	
Signature: 			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (to be completed by Agency)

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

RECEIVED AUG - 8 1994

**Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550**

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN, SUBDIVISION
OR LOT LINE CHANGE APPROVAL

- Property Survey & Lot Subdivision, Lands of
1. Name of Project Frances J. Rakowieki
2. Name of Applicant Park Road Construction Phone 496-4124
- Address P.O. Box 386 Salisbury Mills, New York 12577
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Frances J. Rakowieki Phone 496-4908
- Address 423 Station Road Salisbury Mills New York 12577
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Daniel P. Yanosh Phone 361-4700
- Address P.O. Box 320, Route 302; Circleville, New York 10919
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
- Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Daniel P. Yanosh L.L.S. Phone 361-4700
(Name)
7. Location: On the _____ East _____ side of _____ Station Road
(Street)
_____ 4,500 _____ feet North
(Direction)
of _____ N.Y.S. Route 94
(Street)
8. Acreage of Parcel 151.71 9. Zoning District R - 3
10. Tax Map Designation: Section 57 Block 1 Lot 88.2
11. This application is for Subdivision Approval

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? NO

If so, list Case No. and Name _____

13. List all contiguous holdings in the same ownership
Section _____ Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

_____ being duly sworn, deposes and says
that he resides at _____
in the County of _____ and State of _____
and that he is (the owner in fee) of _____

(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized _____ to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

Francis J. Rakmirecki
(Owner's Signature)

21st day of June 1984

(Applicant's Signature)

James Casazza
Notary Public

(Title)

JAMES CASAZZA
NOTARY PUBLIC, State of New York
No. 4874676
Resident in And For Orange County
Commission Expires April 30, 1988

RECEIVED AUG - 8 1994
4-21

14-16-4 (2/87)—Text 12

PROJECT I.D. NUMBER

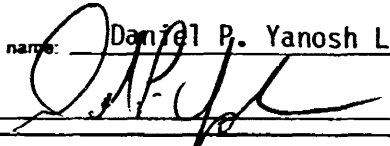
617.21

Appendix C

SEQR

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

<p>1. APPLICANT /SPONSOR Frances J. Rakowieki</p>	<p>2. PROJECT NAME Property Survey & 12 Lot Subdivision-Lands of Frances Rakowieki</p>
<p>3. PROJECT LOCATION:</p> <p>Municipality <u>Town of New Windsor</u> County <u>Orange</u></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)</p> <p>East side of Station Road 4,500 feet north of N.Y.S. Route 94; and also being located at the westerly ends of Ashley Court, and Ridge View Road.</p>	
<p>5. IS PROPOSED ACTION:</p> <p><input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration</p>	
<p>6. DESCRIBE PROJECT BRIEFLY:</p> <p>Realty Subdivision of a 151.71 Acre parcel of land into the following: 1-18.892 Ac. parcel; 1- 91.524 Ac. parcel which includes the existing house; 8 residential lots approximately 3/4 of an acre in size off of Ashley Court and Ridge View Road; and the remaining 31.764 Acres for future development.</p>	
<p>7. AMOUNT OF LAND AFFECTED:</p> <p>Initially <u>151.71</u> acres Ultimately <u>151.71</u> acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly</p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?</p> <p><input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other</p> <p>Describe: Presently a working farm; open fields, wooded areas. Residential area.</p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals</p> <p>Subdivision approval from the Town of New Windsor Planning Board, N.Y.S.D.E.C. approval for the sewer main extension, O.C.H.D. approval of individual wells.</p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval</p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Daniel P. Yanosh L.L.S. (surveyor for project)</u> Date: <u>6/6/94</u></p> <p>Signature: <u></u></p>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? <input type="checkbox"/> Yes <input type="checkbox"/> No	If No, a negative declaration may be superseded by another involved agency.
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: 	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
<div style="display: flex; justify-content: space-between;"><div>_____ Name of Lead Agency</div><div>_____</div></div>	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)
_____ Date	

RECEIVED AUG - 8 1994

94- 21

PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

Frances J. Rakowieki, deposes and says that ~~he~~ SHE
resides at 423 Station Road, Salisbury Mills
(Owner's Address)

in the County of Orange
and State of New York

and that ^She is the owner in fee of Tax Map Lot Section 57.
Block 1, Lot 88.2

which is the premises described in the foregoing application and
that she has authorized Park Road Construction
to make the foregoing application as described therein.

Date: 6/21/94

Frances J. Rakowieki
(Owner's Signature)

James Casazza
(Witness' Signature)

JAMES CASAZZA
NOTARY PUBLIC, State of New York
No. 4674675
Resident In And For Orange County
Commission Expires April 30, 1996

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

TOWN OF NEW WINDSOR PLANNING BOARD

MINOR SUBDIVISION CHECKLIST

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. X Environmental Assessment Statement
- *2. X Proxy Statement
3. X Application Fees
4. X Completed Checklist

II. The following checklist items shall be incorporated on the Subdivision Plat prior to consideration of being placed on the Planning Board Agenda.

1. X Name and address of Applicant.
- *2. X Name and address of Owner.
3. X Subdivision name and location.
4. X Tax Map Data (Section-Block-Lot).
5. X Location Map at a scale of 1" = 2,000 ft.
6. X Zoning table showing what is required in the particular zone and what applicant is proposing.
7. X Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
8. X Date of plat preparation and/or date of any plat revisions.
9. X Scale the plat is drawn to and North Arrow.
10. X Designation (in title) if submitted as Sketch Plan, Preliminary Plan or Final Plan.
11. X Surveyor's certification.
12. X Surveyor's seal and signature.

*If applicable.

13. X Name of adjoining owners.
14. X Wetlands and 100 foot buffer zone with an appropriate note regarding D.E.C. requirements.
- *15. X Flood land boundaries.
16. X A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
17. X Final metes and bounds.
18. X Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical centerline of the street.
19. X Include existing or proposed easements.
20. X Right-of-Way widths.
21. X Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
22. X Lot area (in square feet for each lot less than 2 acres).
23. X Number the lots including residual lot.
24. X Show any existing waterways.
- *25. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
26. X Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
27. X Show any existing or proposed improvements, i.e., drainage systems, waterlines, sewerlines, etc. (including location, size and depths).
28. X Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.

29. X Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
30. X Provide "septic" system design notes as required by the Town of New Windsor.
31. X Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
32. X Indicate percentage and direction of grade.
33. X Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
34. _____ Provide 4" wide x 2" high box in area of title block (preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.
35. _____ Indicate location of street or area lighting (if required).

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The plat for the proposed subdivision has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: [Signature]
Licensed Professional

Date: 3/28/94

#94-21

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553



1763

July 31, 1995

Park Road Construction Corp.
P.O. Box 286
Salisbury Mills, NY 12577

ATTENTION: MR. EDWARD J. BIAGINI, PRESIDENT

SUBJECT: APPLICATION FORM FOR - SUBDIVISION OF 57-1-88.2

Dear Mr. Biagini:

Please find enclosed the original copy of the application for subdivision of the "Lands of Rakowiecki". Please note that this application is incomplete as question Number 9 has not been answered. Upon completion of this form, return to the Planning Board Office for filing.

We thank you in advance for your cooperation in this matter.

Very truly yours,

Myra Mason

Myra Mason, Secretary to the
New Windsor Planning Board

MLM

cc: James Petro, Jr., P.B. Chairman
A. Krieger, P.B. Attorney

10. Tax Map Designation: Section 57 Block 1 Lot 88.2

11. General Description of Project: 3 Lot Subdivision

12. Has the Zoning Board of Appeals granted any variances for this property? yes ☒ no.

13. Has a Special Permit previously been granted for this property? yes ☒ no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

27 day of July 1995

[Signature]
Applicant's Signature

[Signature]
Notary Public
ANTHONY W. SATURNO
Notary Public in the State of New York
County of Orange No. 345878
My commission expires April 28, 1996

SUPERSEDED PLAN
FILE FOR RECORD PURPOSES ONLY

TOWN USE ONLY:

Date Application Received

Application Number

1001621

P.B.# 94-21

2/24/95

X

ATTACHMENTS

A. Flood Hazard Area Development Permit Application Form.

B. Certificate of Compliance ☒

LANDS OF FRANCES S. RAKOVEK/
57-1-88.2

DEVELOPMENT IS NOT

IN ANY FLOOD HAZARD AREA

[Signature]

361-4700

FILED MAP
NO. 204-92

LANDS N/F OF
CAPOLINO
S. 57, B. 1, LOT 89.22
LIBER 2104 PAGE 255

FOUND IRON
PIPE

LOT 1
AREA = 1,499,803 Sq.Ft.
or 34.431 ACRES

SEE SHEET 3013
FOR DETAIL LOT 1

LOT 3
AREA = 822,931 Sq.Ft.
or 18.892 ACRES

LOT 2
AREA = 4,230,568 Sq.Ft.
or 97.120 ACRES

SEE SHEET 3013
FOR DETAIL
LOT 3

LANDS N/F OF
RAKOWIECKI
S. 57, B. 1, LOT 86
LIBER 2172 PAGE 864

SCALE:
1" = 200'

GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

ENGINEER'S CERTIFICATION:

I HEREBY CERTIFY THAT THE PROPOSED SEWERAGE AND WATER FACILITIES FOR EACH LOT ARE DESIGNED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS PROMULGATED BY THE NEW YORK STATE DEPARTMENTS OF HEALTH AND ENVIRONMENTAL CONSERVATION FOR RESIDENTIAL LOTS, AND FURTHER THAT SUCH DESIGN IS BASED UPON ACTUAL SOIL AND SITE CONDITIONS FOUND UPON SUCH LOT AT THE DESIGN LOCATION AT THE TIME OF SUCH DESIGN.

THE ACTUAL INSTALLATION OF SUCH SEWERAGE AND WATER FACILITIES SHALL BE IN ACCORDANCE WITH THE DESIGN AND AT THE LOCATION AS SO CERTIFIED ON THIS SUBDIVISION PLAT.

VICTOR H. ERIKSON
N.Y.S.P.E. #28696

DATE

NOTES:

- CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY IS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS OR SUBSEQUENT OWNERS.
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7809, SUBDIVISION 2 OF THE N.Y. STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S IMBED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- SUBJECT TO AN UP TO DATE ABSTRACT OF TITLE, SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT TIME OF FIELD SURVEY.

I HEREBY AGREE, UPON MY REVIEW, THAT THIS MAP MEETS MY APPROVAL AND IS CONCURRENT WITH MY INTENT.

OWNER

DATE

LIST OF ADJOINERS

① TYPICAL SYMBOL FOR
NUMBERING OF ADJOINERS

NUMBER	LANDS N/F OF	SECT.	BLK.	LOT	DEED REF.
1	ROBERTS	57-1	88.1	L	3627 P. 44
2	HELM	3-1	42.1	L	2561 P. 273
3	PARK ROAD CONSTR. CORP.	58-1	33	L	3541 P. 187
4	PARK ROAD CONSTR. CORP.	58-1	32	L	3541 P. 187
5	PARK ROAD CONSTR. CORP.	58-1	31	L	3541 P. 187
6	MAHONEY	51-1	1-2	L	3504 P. 32
7	BOW	51-1	1-3	L	3205 P. 266
8	YOUNG	51-1	1-4	L	3018 P. 274
9	LACHANCE	51-1	2	L	3422 P. 181
10	RHEIN	51-5	1	L	2450 P. 47
11	FEUERBACH	51-5	1-3.1	L	2227 P. 641
12	ALIOTTA	51-5	1-3.4	L	1938 P. 594
13	NIEMAN	51-5	24	L	2394 P. 271
14	DELONGIS	51-5	23	L	3804 P. 137
15	CAPOLUPO	51-5	22	L	2851 P. 181
16	GREENBLATT	51-5	21	L	3271 P. 99
17	WONTZ	3-1	42.51	L	2750 P. 227
18	WONTZ	3-1	42.52	L	2750 P. 227

NOTES:

- THE SANITARY SEWAGE DISPOSAL SYSTEM SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH NEW YORK STATE DEPARTMENT OF HEALTH STANDARDS AND THE PROVISIONS OF THE PUBLIC HEALTH LAW.
- THE SANITARY SEWAGE DISPOSAL SYSTEM SHALL BE DESIGNED BY A NEW YORK STATE LICENSED DESIGN PROFESSIONAL AND APPROVED BY THE TOWN OF NEW WINDSOR BUILDING INSPECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE SYSTEM SHALL BE INSPECTED DURING CONSTRUCTION AND CERTIFIED AS TO CONFORMANCE TO DESIGN BY THE PROFESSIONAL PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THE TOPOGRAPHY SHOWN WAS PRODUCED BY FIELD METHODS AND AERIAL METHODS AND IS REFERENCED TO FILED MAP NO. 204-92
- THE WETLANDS SHOWN WERE FLAGGED ON NOVEMBER 9, 1994 BY A REPRESENTATIVE OF GARLING ASSOCIATES AND LOCATED IN THE FIELD ON NOVEMBER 15, 1994
- THERE WILL BE NO CLEARING OF THE LAND OF LOT # 1 WITHOUT APPROVAL FROM THE TOWN OF NEW WINDSOR PLANNING BOARD.
- ANY FURTHER SUBDIVISION OF THESE LOTS WILL BE REVIEWED BY THE TOWN OF NEW WINDSOR, IN RESPECT FOR FULL COMPLIANCE OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.

TOTAL AREA = 151.71± ACRES

SUBDIVIDER:

PARK ROAD CONSTRUCTION CORP.
P.O. BOX 286
SALISBURY MILLS, NEW YORK 12577

RECORD OWNER:

FRANCES J. RAKOWIECKI and
LOUIS NOWICKI and JANET NOWICKI
423 STATION ROAD
SALISBURY MILLS, NEW YORK 12577

TAX MAP DESIGNATION

SECTION 57, BLOCK 1, LOT 88.2

DEED REFERENCE

LIBER 4273 PAGE 220

PLANNING BOARD APPROVAL

SUB DIVISION APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON MAY - 6 1995

BY *Edward C. Stetler*
EDWARD C. STETLER,
SECRETARY

SHEET 1 of 3 IS INVALID AND INCOMPLETE
WITHOUT SHEET 2 of 3 & 3 of 3

VICTOR H. ERIKSON N.Y.S. P.E., L.S.

ONE EDGEWATER DRIVE, SUITE 2B
MIDDLETOWN, NY 10940



REVISIONS: 1-5-95 12-13-95
6-1-94 2-10-95 4-29-96 - OWNERS
11-30-94 4-4-95

DANIEL P. YANOSH N.Y.S. L.S.

N.Y.S. ROUTE 302 - P.O. BOX 320
CIRCLEVILLE, NEW YORK 10919

PHONE #: (914) 361 - 4700 FAX #: (914) 361 - 4722

PROPERTY SURVEY & 3 LOT SUBDIVISION

LANDS OF:
FRANCES J. RAKOWIECKI and
LOUIS & JANET NOWICKI
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

SHEET#

1 of 3

DRAWN BY: T.M. CHECKED BY: D.P.Y. SCALE: 1" = 200' DATE: 3-23-94 JOB#: 93054

MARCH 24, 1994

CERTIFY TO:

FRANCES J. RAKOWIECKI,
LOUIS NOWICKI, JANET NOWICKI.

TO BE A TRUE SURVEY PERFORMED IN THE FIELD
ON AUGUST 17, 1993 AND THAT IT IS TO THE BEST
OF MY KNOWLEDGE AND BELIEF CORRECT.

DANIEL P. YANOSH, L.S.
N.Y.S. LIC. # 49661

MIN. LOT AREA
32,670 Sq.Ft.
1" = 100'
1-6-95

